UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1997/7/Add.1
20 December 1996

ENGLISH
Original: ENGLISH/FRENCH
SPANISH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Item 8 (a) of the provisional agenda

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Report of the Special Rapporteur, Mr. Nigel S. Rodley, submitted pursuant to Commission on Human Rights resolution 1995/37

Addendum

Summary of cases transmitted to Governments and replies received

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Albania

1. On 29 May 1996, the Special Rapporteur sent an urgent appeal on behalf of the members and supporters of opposition political parties, who had allegedly been arrested that same month in several towns of the country during the electoral campaign. Some of the detainees were said to have been beaten and to have received other ill-treatment while they were in police stations.

Armenia

2. By letter dated 12 June 1996 the Special Rapporteur communicated the individual cases summarized in the paragraphs below. Mikael Manukian, Armen Momojan and Arsen Artsruni, charged in connection with alleged membership of a clandestine armed group known as "DRO" within the opposition Armenian Revolutionary Federation party were allegedly beaten and otherwise ill-treated for the purpose of coercing confessions during pre-trial detention at the premises of the Ministry of Security in Yerevan. Rafael Safarian and Zhora Khachatrian were among several lawyers involved with the "DRO" case who were allegedly beaten severely by persons wearing military uniforms who were either public officials or were acting at the instigation of such officials.

3. Nineteen devotees of the Hare Krishna religious organization, including four women and four children, were reportedly beaten, some with iron bars, on 18 April 1995 at the group's premises in Yerevan by 20 to 25 men, some of whom were wearing military fatigues. The beatings were reportedly ordered by the Ministry of Defence because it had mistakenly believed that the Hare Krishna religion obliged devotees to refuse military service.

4. Razmik Grigorian, aged 62, was reportedly arrested on 8 May 1995 in connection with a murder. He was taken to the police station in Kamo where he was severely beaten, and he subsequently died. The results of a forensic autopsy and investigation were not revealed by the authorities.

Austria

5. By letter dated 11 June 1996 the Special Rapporteur advised the Government that he had received information on two cases of torture or ill-treatment. The Government replied to those cases on 11 September 1996 and transmitted a copy of a decree issued by the Austrian Ministry of Justice on 15 September 1989 concerning procedures for the prompt and impartial investigation of allegations of torture or ill-treatment by police or security officials. The cases sent and the Government's reply are summarized below.

6. Wolfgang Purtscheller, a journalist who had reported extensively on rightist extremism in Austria, observed two plainclothes police officers detaining an African asylum-seeker at the Ernst-Kirchweger House on 22 September 1994 and asked the officers for their service numbers and whether they had a warrant for the arrest. Ten uniformed officers subsequently approached him. After an officer recognized the journalist and revealed his identity, another officer reportedly struck him in the face. He was then placed under arrest and reportedly knocked unconscious by another blow. He regained consciousness while lying in his own vomit. It was alleged that an officer stood on his head, another on his buttocks and a third twisted

his right ankle forcefully, causing him again to lose consciousness. He was hospitalized with bruises of the face, abrasions of both wrists and damaged knee ligaments. He filed two criminal complaints and a complaint with the Vienna Independent Administrative Tribunal. The Government replied that on 20 June 1996, the Vienna Public Prosecutor requested the investigating judge at the Vienna Regional Criminal Court to question the police officers as suspects. However, it was not possible to close the criminal proceedings because it had not been possible to determine the whereabouts of Wolfgang Purtscheller, who was needed as a witness in the case.

7. Emad Faltas, an Egyptian national, was allegedly assaulted by four members of the Vienna Drugs Squad on 21 June 1995, after he had been observed with a suspected drugs dealer. A medical examination carried out after his release revealed three broken ribs and cuts and bruises to his arms, stomach and face and he was hospitalized for seven days. The Government replied that the Vienna Federal Police Directorate had filed a criminal information against three detective officers. The officers were indicted on charges of causing grievous bodily harm, but were later acquitted by the Regional Criminal Court of Vienna. The Vienna Public Prosecutor's Officer entered an appeal against the judgement.

Information received from the Government with respect to a case included in last year's report

8. In its letter of 11 September 1996, the Government also replied to the case of asylum-seeker Naser Palushi, which the Special Rapporteur had transmitted on 29 May 1995 (E/CN.4/1996/35/Add.1, para. 43). The Government stated that criminal proceedings had been instituted against four police officers of the Vienna Federal Police Directorate. Forensic evidence revealed that Naser Palushi had suffered multiple but slight injuries, but it had not been possible to prove with the certainty required in criminal proceedings that the injuries had been caused by the officers. The court thus dropped the charges against the suspects.

Azerbaijan

9. By letter dated 10 June 1996 the Special Rapporteur advised the Government that he had received information according to which Rafiq Shaban oglu Ismayilov, from the village of Digah, had been beaten severely in custody by three police officers from Masalli district on 8 December 1995 for the purpose of forcing him to make a confession to theft. He reportedly died from injuries sustained from the beatings. It was unclear whether any investigation had taken place.

Bahrain

10. On 6 May 1996 the Special Rapporteur transmitted the case of Sa'id 'Abd al-Rasul al-Iskafi, a 16-year-old from Sanabis village, who was allegedly subjected to torture in custody, including sexual assault, after he had been summoned for interrogation by the Security and Intelligence Service (SIS) on 29 June 1995 in connection with his alleged participation in an anti-government protest. He died 10 days after his arrest. An expert forensic pathologist in the United Kingdom who examined photographs of the

corpse reported numerous injuries all over the body. He concludes that "[t]he appearances indicate that the deceased has been subjected to ill-treatment of a sustained and very painful nature". The Special Rapporteur received a copy of the pathologist's report. The Government replied on 12 November 1996 that the information received by the Special Rapporteur was inaccurate and was the recognizable product of terrorist propaganda. Sa'id 'Abd al-Rasul al-Isakfi had died in hospital. A full and thorough investigation into the circumstances of his death had been promptly carried out. (The Government's reply did not indicate the nature or the results of the investigation.) None of the deceased's family had so far taken the opportunity to seek recourse in the ordinary courts of law.

Urgent appeals

11. Shaikh 'Abd al-'Amir Mansur al-Jamri, Shaikh Hassan Sultan, Shaikh 'Ali Ashour, Shaikh 'Ali bin Ahmad al-Jeddhafsi, Shaikh Hussein al-Deihi, Hassan Meshema'a, Sayyed Ibrahim Adnan al-Alawi and Abdul Wahab Hussein were reportedly arrested by the security forces on 22 January 1996. They were said to be among hundreds of persons detained for political reasons during the month of January 1996. On 18 April 1996 the Government replied that they were members of a "terrorist cell" headed by Abdul Amir Mansour Al-Jamri. They were held in lawful custody and adequate legal, medical and procedural safeguards were in force. They had not been mistreated in any way. They were in good health, their conditions were humane and they were afforded rights of visitation, welfare and medical care. The source of the information subsequently alleged that the defendants had in fact been held incommunicado until September 1996, when they were finally allowed to receive visits from their families (7 February 1996).

12. Ahmad Mansur 'Ali Ahmad and Ahmad al-Shamlana, members of a group advocating the restoration of parliament (Petition Council), were arrested on 24 January and 7 February 1996 respectively and were being held incommunicado in al-Qal'a prison under the provisions of an Interior Ministry decree allowing for administrative detention without charge for up to three years. On 15 April 1996 the Government replied that the detainees were extremists and agents provocateur espousing violence to achieve their political goals. They were properly treated and their rights of visitation, welfare and medical care were afforded strictly in accordance with the law (12 February 1996).

13. Salah Abdullah Al-Khawaja was reportedly arrested at SIS headquarters on 22 January 1996, nine days after he had completed a seven-year prison sentence for membership of an unauthorized organization. On 9 April 1996 the Government replied that Salah Abdullah Al-Khawaja was associated with foreign-backed groups which sought to endanger the security and stability of the country. He was in good health, properly treated and afforded all his rights of visitation, welfare and medical care (20 March 1996).

14. Sa'id al-Absoul, a member of the Petition Council, was reportedly arrested in Al-Sanabes on 14 April 1996. On 18 June 1996 the Government replied that Sa'id al-Absoul had been released without charge on 21 April 1996. His arrest had been lawful and he had not been mistreated in any way during his detention (22 April 1996).

15. 'Ali Ahmad Kadhem al-Muttaqawi, Jassim Hassan Mansour al-Khayat, Hussein Ahmad al-Mudhifa, Hussein Yousif Ibrahim, 'Ali Ahmad Kazem 'Abd 'Ali and 'Abbas 'Ali Ahmad Habil were among at least 34 persons held incommunicado after allegedly confessing to involvement in an Iranian-backed plot to overthrow the Government of Bahrain. On 19 June 1996 the Government provided to the Special Rapporteur copies of statements issued by the Ministry of Interior discussing the plot to overthrow the Government. The texts mention the confessions of the above-mentioned persons, but their treatment in custody is not addressed (14 June 1996).

16. Ishraq Habib, a 16-year-old female student, was reportedly arrested on 15 October 1996 in Manama on suspicion of possessing illegal literature. On 25 November 1996 the Government replied that the person on whose behalf the Special Rapporteur had appealed was probably Ashraq Ahmed Mansoor Nasser, who was arrested on 8 October 1996, held at the Juvenile Centre and released on 16 November 1996. She was not held incommunicado and any fears for her physical or mental integrity were mischievous propaganda. The Juvenile Centre was staffed by specially trained women police (8 November 1996).

Bangladesh

17. By letter dated 22 July 1996 the Special Rapporteur advised the Government that he had received information concerning some 200 Dhaka University students residing at Jagannath Hall, a facility housing primarily students from religious minorities, who were reportedly injured after being subjected to ill-treatment, including severe beatings and tear-gas, during a raid by some 700 members of the police and Bangladesh Rifles (BDR) on 31 January 1996. The police maintained that the raid was conducted to recover illegal arms, while oppcsition groups had claimed that the hall was raided because many of the residents were supporters of the then-opposition Awami League. The law enforcement personnel allegedly beat students, hostel wardens and visitors in 42 residential rooms and public areas of the hall. Diponkor Sangma, Anup Biswas, Shanto Nokrek, Sebastine Rema, Kartic Chandra Sana were allegedly beaten with batons and rifle butts, causing serious injury to the latter four. Photon Chandra Sutradhar was allegedly beaten and threatened with death at gunpoint after a cloth was wrapped around his mouth and a blanket was wrapped around his body, causing him to faint. Arun Bala and Bimal Krishna Biswas were allegedly pushed by police out of a window as a result of which Arun Bala suffered a broken spine and Bimal Biswas' legs were broken. Biltoo Kumar Bir, Pokash Boidhya, Milon Golder, Somoresh Madnol, Bidhan Chandra Das, Sundhir Roy were allegedly beaten severely. Bidhan Chandra Das was reportedly shot in the legs.

18. By the same letter the Special Rapporteur informed the Government that he had received the following allegations of torture, including rape, and ill-treatment occurring in the Chittagong Hill Tracts: Kajoli Chakma and Sunita Chakma (aged 16), were allegedly raped at gunpoint in Lallyaghona village on 5 September 1994 by a commander and two soldiers of the Ugalchari Army Camp of the 46 East Bengal Regiment (EBR) of the Bangladesh Army. Jitendra Chakma was allegedly raped by personnel of the 40 EBR from the Naniachar Military Zone during a raid on Djuapara village, Rangamati district, on 28 August 1994. Nepali Chakma was allegedly raped on 10 October 1994 by several members of the BDR of the Rubber Plantation Area in Baghaichari,

Rangamati district. Puspa Chakmaalias Hat Bhanga, of Suknachari village in Rangamati district, was reportedly arrested and beaten severely at the Tanhgum bazaar on 6 December 1994 by an officer of the 17 EBR, commander of the army camp at Tanhgum. Purna Bijoy Chakma, of Kojoichari village, was reportedly arrested and severely beaten on 12 December 1994 by members of the security forces from Marishya zone. Bhuban Joy Chakma, Parancha Chakma, Sneha Kumar Chakma (aged 65) and Manu Ranjan Chakma were among a number of persons from Suknachari village, Rangamati district, who were reportedly arrested and subjected to severe beatings by members of the BDR, following a raid on the village on 11 August 1995. Bideshi Chakma, a 10-year-old boy from Gangatyatali village, Rangamati district, detained by the commander of Khiram army camp of the 17 EBR in the Ghagra military zone on 18 November 1995, was allegedly beaten and had water forced through his nose, so that he would reveal the location of the camp of an opposition group. A number of persons were allegedly subjected to ill-treatment on 15 March 1995 after security force personnel broke up an unauthorized meeting of the Hill Student Council. Mucchang Prue Mama (female) was allegedly beaten severely by a team of 12 police officials in Bandarban town, including the subinspector of Bandarban police station, as a result of which she had to be hospitalized. Reverend Waizo Mama and Reverend Naendra, Buddhist monks, were also allegedly beaten severely.

Urgent appeals

19. On 28 February 1996 the Special Rapporteur made an urgent appeal on behalf of the following opposition activists arrested upon the commencement of a strike called by opposition leaders: Begum Motia Chowdhury, Mohammed Nasim and Tofael Ahmed (leaders of the Awami League); Moudud Ahmed (a leader of the Jatiya Party); and Abdul Kader Mollah (a leader of Jamaat-e-Islami). On 5 March 1996 the Government replied that the opposition leaders had been detained as a preventive measure under the Special Powers Act (SPA) for their involvement in prejudicial activities endangering public safety. They would be allowed to receive visits from relatives and lawyers. They were not subjected to ill-treatment and their right to physical and mental integrity was protected. On 15 March 1996, the Government informed the Special Rapporteur that the detainees had been released.

Bolivia

20. In 1996, the Special Rapporteur sent two urgent appeals to the Government. The first, transmitted on 4 January 1996, referred to a group of approximately 45 peasants, including 3 children, who were arrested on 27 December 1995 by the Special Security Guard in the locality of Nicayani, near Leghepalca, when they were participating in a march with a view to interviewing the authorities about the programme to eradicate coca crops. A few days earlier, another group of participants taking part in the march had been arrested and transferred to Chimore, where they were allegedly beaten. The second urgent appeal was transmitted on 18 April 1996 on behalf of a group of approximately 78 persons arrested by the police on 2 April 1996 in La Paz on the occasion of a demonstration organized by several trade unions.

Bulgaria

21. On 9 August 1996, the Special Rapporteur transmitted a number of individual cases of alleged torture or ill-treatment. On 23 September 1996, the Government replied to many of these cases. The allegations, followed by the Government's reply, are summarized below.

22. Yanko Khristov Yanev and two companions were reportedly beaten on 2 September 1994 by seven police officers at a restaurant in Assenovgrad. Yanko Yanev underwent an operation to remove his spleen. A medical certificate described serious multiple traumas all over his body and signs of massive internal bleeding. The Government replied that Yanko Yanev and his companions had resisted arrest and officers of the Assenovgrad Regional Police Station (RPS) had to use physical force. An investigation revealed that Yankov Yanev had suffered broken ribs during a previous car accident and doctors who had examined him following that accident stated that his spleen might have been damaged in the accident. An inquiry by the Assenovgrad RPS established that its officers had acted within their powers.

23. Valentin Petkov Simeonov, an inmate at Burgas prison, was allegedly beaten by two guards on 18 December 1994, as a result of which he lost consciousness and spent two weeks in the prison infirmary with an injury to a testicle. On 14 March 1995, a prosecutor dismissed his complaint because too much time had elapsed to conduct a proper forensic medical examination, despite the fact that a medical certificate attesting to his injuries had been issued by a doctor who examined him on 6 January 1995. He continued to be harassed by the guards about whom he complained.

24. Iliya Dimitrov Gherghinova, a Rom, was allegedly beaten severely in the Sliven region of Gradets and at the Gradets police station on 9 February 1995. He was found dead the next day, still handcuffed. Relatives who witnessed the body observed a large wound above his temple, multiple bruises on his body, cigarette burns on his hands and a broken leg. Investigators reportedly told his family that no case would be filed "in the next five years" and the officer alleged to be responsible was said to have offered the victim's wife money to drop the complaint and to have threatened to kill a witness to the beating. The Government replied that an inquest held in the Kotel Regional Investigation Office had established that Iliya Gherghinova had died in the street and there was no evidence of death by violence. The Sliven District Prosecutor's Office had ruled to suspend the proceedings for lack of evidence that a criminal offence had been committed.

25. Vasil Vasilev, Miroslav Ivanov and Stoyko Osmanliev were reportedly beaten and kicked on the street and at the Second Police Precinct in Stara Zagora by a number of officers on 10 March 1995. Vasil Vasilev's body suffered internal injuries including a perforated duodenum, a ruptured appendix and other severe injuries. The Government replied that the District Prosecutor's Office in Stara Zagora had initiated an inquiry which was subsequently closed. On the basis of a complaint by Vasil Vasilev's parents, the District Investigation Office in Stara Zagora had undertaken an investigation against an unknown perpetrator and the proceedings had been transferred to the Military Prosecutor in Plovdiv.

26. Desislav Pavlov was reportedly beaten severely at the Second Police Precinct in Sofia on 16 March 1995. A medical forensic certificate indicated massive bruising to the buttocks, with lesions and abrasions. A complaint was filed with the Sofia County Prosecutor. The Government replied that Dessislav Pavlov had been arrested on suspicion of robbery and that no physical force had been used on him. An inquest was to be held by an examining magistrate.

27. Girgina Dimova Toteva, aged 67, was allegedly beaten by an officer on 5 April 1995 at the police station in Sevlievo and subsequently hospitalized with a concussion. She required extensive medical treatment. After she filed a complaint about the beating, two officers filed their own complaint against her, alleging that she had assaulted them. She was indicted and brought to trial in September 1995 for causing slight bodily injury to a police officer. The Government replied that Girgina Toteva had violently kicked an officer in the leg. She was sentenced by the Sevlievo Regional Court for bodily injury inflicted on a person acting in his official capacity and had appealed the sentence.

28. Assen Ivanov, a Rom being held on suspicion of rape at the police stations in Petrich and Sandanski, was allegedly beaten severely by police on 11 April 1995. He died in hospital the next day. Personnel at the Forensic Medicine Department in Sofia established that his death had been caused by a fracture to the left temple and an injury to the brain. The Government replied that there was no evidence that the police officers had beaten or struck Assen Ivanov while he was in custody. The investigation into the case had not yet been concluded due to "delayed expertise".

29. Dimitar Stankov Stankov, a 12-year-old Rom, was reportedly arrested on 5 May 1995 while attending classes in the first primary school in Sliven, on suspicion of having stolen some items at the school. At the police station he was allegedly slapped, kicked and beaten with a rubber truncheon, as a result of which he signed a confession. The Government replied that an inquiry had failed to establish any evidence of physical or psychological coercion applied to Dimitar Stankov. The case registered with the District Military Prosecutor's Office in Sliven had accordingly been closed.

30. Iliya Assenov Lambov, a Rom, was allegedly beaten severely by several police officers on 29 May 1995 at his home and at the mayor's office in Brestovista, Plovdiv region. An officer also allegedly slapped his nine-year-old daughter several times. A forensic medical certificate revealed a large bruise to his right eye, multiple bruises on his back, and lesions on his chest, right elbow, right thigh and left knee. The Government replied that Iliya Lambov had threatened an officer who had come to his home. When back-up officers arrived, he refused to go with them and tried to strike one of the officers. Another officer was hit by a woman in the house with a bottle. Iliya Lambov then incited a crowd near the house to throw stones at the officers. Proceedings were under way against Iliya Lambov for his role in injuries inflicted on the officers.

31. Rahmat Rezazadeh Malek, an Iranian national who had been granted political asylum in Germany, was reportedly prevented from entering Bulgaria on 15 August 1995 by two border police officers at Sofia airport, despite

possessing a travel document. When he complained to a senior officer, the officer allegedly subjected him to a beating and refused him medical treatment for the resulting injuries. He was returned on a flight to Frankfurt, Germany, the next day, where the doctor treating him issued a medical certificate describing multiple bruises and cuts.

32. Iliyan Veselinov Nikolov reportedly died of acute peritonitis on 24 August 1995 in Stara Zagora prison, where he had been held in pre-trial detention. His mother had been receiving notes from him stating that he had been subjected to severe beatings in the lock-up. The Government replied that Iliyan Nikolov had actually been beaten by his cell-mate. An investigation had concluded that the cell-mate should be charged with murder and the case was forwarded to the District Prosecutor's Office.

33. Ivan Vasilev Ivanov, a Rom, was reportedly involved in a fight on 4 October 1995 with a number of "racketeers" who had cut off the electricity supply at his petrol station in Slivo Pole, Ruse region. Later, 10 officers, including one of the "racketeers", allegedly handcuffed him and kicked him all over the body and threatened at gunpoint to kill him. A forensic medical report described multiple swelling and bruising.

34. Gancho Stefanov, a Rom, was allegedly hit on the head with a hard object by two plain-clothes police officers at his home in Elenino, Stara Zagora region, on 20 October 1995 and was hospitalized with grave injuries suffered as a result. Two officers of the Unit to Combat Organized Crime were being investigated, but had not been suspended from duty. The Government replied that the Secretary-General of the Ministry of the Interior had set up a commission to conduct disciplinary proceedings into the incident and the two officers had been penalized with "reprobation". Legal proceedings instituted in the Military Prosecutor's Office in Stara Zagora had been closed.

35. Stoyan Apostolov and Angel Dichev were allegedly beaten and kicked on 5 December 1995 by masked officers of the Specialized Unit to Combat Terrorism (Red Berets) at their shop in Tsar Simeon Street in Sofia, during raids by the officers. Angel Dichev reportedly sustained swelling and haematomas on the right cheekbone and right lower jaw, bruising to the lower lip, and swelling and bruising to the left arm. Stoyan Apostolov also suffered swelling and a haematoma on the lower lip.

36. Dimitur Velev, a Rom from Krupnik, Simitli municipality, detained at Simitli police station on 16 December 1995, was allegedly punched, beaten with truncheons and kicked all over the body by officers. A forensic medical certificate revealed traumas, a broken right arm and traces of truncheon marks on the back. The Government replied that Dimitur Velev had run away from police officers and had threatened them with a hatchet, prompting them to resort to physical force in self-defence, as a result of which they broke his right arm. Preliminary proceedings instituted by the Blagoevgrad District Prosecutor's Office would establish if the physical force applied by the police officers was in proportion to Dimitur Velev's resistance and whether they should be subjected to punitive measures for battery.

37. Velislav Dobrev was allegedly beaten by two police officers on 1 February 1996 while travelling in a car, after he had intervened when the

officers tried to extort a bribe from the car's driver. He was subsequently refused medical treatment. While later being treated at hospital, the doctor reportedly remarked that the blows that he had received to his head could have been fatal. The Government replied that the District Military Prosecutor's Office in Pleven had opened an inquest and instructed the Regional Directorate to carry out a preliminary investigation. The Regional Directorate would take the due disciplinary measures with regard to its officers in the event they were proven guilty.

38. Ahmed Mustafov, from Bratovo, Trgovishte region, was allegedly beaten with fists and truncheons and threatened with a gun to his head on 8 February 1996 after refusing to sign a confession in the RPS lock-up. He had been arrested for having used the village school phone for long-distance calls without permission. A medical certificate described injuries suffered from the beating. The Government replied that no physical force had been used on Ahmed Mustafov and that he had not been threatened with a weapon. A medical certificate had been issued to the effect that he was beaten at the police station, but as the mayor and villagers reported that Ahmed Mustafov drank and had previously been involved in brawls, and because he had not sought medical care for three days after his detention, it was suspected that his injuries might not have been received at the police station. The results of the preliminary investigation had been sent to the Military Prosecutor's Office in Varna.

39. By the same letter, the Special Rapporteur further informed the Government of reports he had received indicating that many persons incidentally present at the scene of police actions had themselves become victims of ill-treatment, particularly during operations by the Red Berets. In once such incident, tens of persons were allegedly beaten and otherwise ill-treated during a raid by some 40 Red Berets in the "La Scala" bar in Sofia on 2 March 1995. At least three persons received emergency hospital treatment for injuries sustained as a result of the ill-treatment. In another incident, about 20 Red Berets allegedly beat with truncheons all of the occupants of a café in the Druzhba quarter of Sofia on 23 November 1995. Six persons were hospitalized, including Konstantin Kalduromov, who suffered a cracked skull and fractures of his arms and legs. Miko Tsanev was also operated on twice for massive abdominal bleeding and further operated on for injuries to his arms. The same officers involved in the incident in Druzhba reportedly fired rubber bullets two hours later at the cars of Dimitur Dimitrov and six other men who were leaving their offices near the Rakovski football stadium. After the men got out of their cars, they were allegedly assaulted by the officers, taken to Mount Vitosha and subjected to further ill-treatment. At least one person was hospitalized. Finally, around 120 officers of the Special Unit for Combating Mass Disorder allegedly beat many of the 150 protesters blocking a road outside of Sapareva Banya on 9 February 1995. The protesting contingent was composed of elderly local inhabitants, ecology groups and parliamentary deputies. Fifteen persons were reportedly injured, including two who suffered broken limbs.

Information received from the Government with respect to cases included in previous reports

40. The Government, in its reply of 23 September 1996, addressed two previously transmitted cases. On 26 August 1993 the Special Rapporteur had advised the Government of information he had received on police operations at Pazardjik in June 1992, in the course of which police officers allegedly beat a number of Rom persons indiscriminately. The Government had provided a reply to this case (see E/CN.4/1995/34, para. 77). The source of the information subsequently indicated that Kiril Yordanov had filed a complaint alleging that he had been beaten by police officers who had entered his home. In the 23 September reply, the Government stated that the material from the complaint had been sent to the District Military Prosecutor's Office in Plovdiv, as the case was in its competence. The investigation was under way.

41. In a letter dated 11 April 1995 the Special Rapporteur informed the Government of information he had received concerning a nine-hour raid carried out in Pazardjik on 4 August 1994 by several hundred police officers from various regional police departments and special units of the Ministry of Internal Affairs to search for suspected criminals. In the course of the action, Lyubcho Sofiev Terziev had been arrested and had died in the police station of Kazanluk. Witnesses at his funeral observed traces of beatings all over his body, including injuries on his penis, suspected to have been caused by electric shocks. The Government replied that an inquest was held by the examining magistrate of Stara Zagora and a triple forensic examination concluded that the death of Lyubcho Terziev had been caused by many injuries to the head, body, legs and arms, resulting in traumatic shock. The traumatic injuries were said to have been caused by a hard object. No charges had been made so far, but the investigation was still under way.

Burundi

42. On 1 March 1996, the Special Rapporteur on torture and the Special Rapporteur on the situation of human rights in Burundi sent a joint urgent appeal to the Government on behalf of 15 persons who were allegedly arrested on 18 February 1996, following an exchange of gunfire between government forces and an armed group, which had occurred near Gasenyi. According to reports, the persons had been detained at the headquarters of the Special Investigations Brigade.

Cambodia

43. On 24 September 1996, the Special Rapporteur transmitted to the Government the following cases of persons alleged to have been severely beaten: Chet Sim and Kang Man, arrested on 2 January 1996 by the police of Phnom Sroch, which accused them of murder; Um Sam-oeun, Seng Sopharith, Nguon Han and Cheav Koab, arrested by 30 to 40 soldiers in Phonm Penh on 13 July 1995; Leng Theuan, arrested on 20 March 1995 at the market of Thnal Toteung (province of Kompong Cham) by members of the Tbaung Khmum military police. Leng Theuan, suspected of being a moped thief, was said to have been taken to the headquarters of the military police, where he was allegedly beaten and tortured with electric shocks; a complaint was said to have been lodged for ill-treatment, but without response.

Cameroon

44. In 1996, the Special Rapporteur sent three urgent appeals to the Government. The first, transmitted on 27 March, concerned Emmanuel Chia Musoh, arrested in Bamenda in January 1996. He was said to have been kept in solitary confinement for a month at the Terre Bamenda Brigade, before being transferred to the central prison. The second appeal, transmitted on 10 April, concerned Lawrence Chimasa, member of the Democratic Social Front, said to have been arrested in Bamenda on 12 March following demonstrations organized by the Front and allegedly held in solitary confinement. Another member of the Front, Charles Nkwanyuo, was said to have been arrested on 1 April in Limbe and had also allegedly been held in solitary confinement. The third urgent appeal was sent on 19 June on behalf of Christophe Ebanga Omgene, Maurice Tabo and Célestin Kamge Kaptue, who belonged to a group of students arrested by the police during protest demonstrations held at the University of Yaoundé.

Canada

45. On 10 May 1996 the Special Rapporteur sent an urgent appeal on behalf of Saadi Bouslimani, an Algerian national residing in Canada, whose application for asylum in Canada had reportedly been denied and whose deportation seemed to be imminent. Saadi Bouslimani was reportedly a member of the Algerian opposition party Front des forces socialiste (FFS) and the Mouvement culturelle berbère (MCB), a militant cultural organization. He had reportedly been arrested by Algerian police in 1992 and tortured under interrogation, as a result of which he was reported to suffer from post-traumatic stress disorder. In view of all the circumstances the Special Rapporteur appealed to the Government not to deport Saadi Bouslimani or, if he were to be deported, to seek, and take measures to ensure compliance with, assurances from the Government of Algeria that he would not be subjected to torture or any other ill-treatment.

46. On 20 June 1996 the Government informed the Special Rapporteur that the case of Saadi Bouslimani had been analysed very carefully by the authorities, who had concluded that he could not be considered as a refugee in accordance with Canadian law and that, should he return to Algeria, there was no objective risk that he would be subjected to torture. The Government also indicated that Saadi Bouslimani had not exhausted all domestic remedies available to him and that some of these remedies were still available. In a subsequent letter dated 16 July 1996 the Government informed the Special Rapporteur that the deportation would take place towards the end of July and that it would not be appropriate to seek assurances from the Algerian Government that Mr. Bouslimani would not be subjected to torture or ill-treatment, because to do so would amount to questioning the willingness of the Algerian Government to comply with the obligations it had assumed when it ratified the International Covenant on Civil and Political Rights and the Convention against Torture. On 24 July 1996 the Special Rapporteur replied that in the case of an individual who is to be sent to a country where he fears torture and where the latter reportedly occurs, it is perfectly appropriate and not uncommon to seek relevant assurances from the Government in question. The intent in seeking such assurances was not to call into question the commitment of the receiving Government to fulfil its treaty

obligations, but rather to make that Government aware of the concerns that have been expressed with respect to the case and thereby to reduce the potential risk to the deported person. Futhermore, the standard of proof demanded by the Government of Canada was that of a direct personal risk of torture to Mr. Bouslimani. If this standard were always to be applicable for obtaining assurances from a receiving Government, then there would never be a need to obtain assurances, since the level of risk would preclude the person concerned from being sent back in the first place.

47. At a later date, the Special Rapporteur learned that Saadi Bouslimani had been deported to a third country.

Chad

48. On 11 July 1996, the Special Rapporteur sent an urgent appeal to the Government on behalf of Ngarlégy Yorongar le Moiban, leader of the Front d'action pour la République-Fédération, said to have been arrested in Bébedjia, Logone oriental, on 3 July 1996. Since then, he was alleged to have been detained at the Gendarmerie Investigations Brigade in N'Djaména. It was said that the arrest had not been communicated to the government procurator and that no formal charges had been brought against him.

Chile

49. On 13 November 1995, the Special Rapporteur transmitted to the Government several cases of torture which had occurred in the country (E/CN.4/1996/35/Add.1, para. 97), to which the Government gave the following replies.

50. Misael Esteban Apablaza Basoalto, arrested in Talca by carabineros on 14 March 1994. The Government reported that in the proceedings for the alleged offence of unnecessary violence denounced by the plaintiff, it had been established that the mock executions and threats to his family reported by him had not been substantiated.

51. Ruben Ignacio Bascur Yaeger. The Government reported that on 1 July 1995 the Futrono carabineros station received a call from a person stating that the lifeless body of a person was lying on the roof of his building. Carabineros personnel found that the body was that of the above-mentioned person and showed burn marks on one hand, which were said to have been caused by contact with an electric cable. This cable, combined with the rain which had fallen during the night, had allegedly produced an electric shock, which was assumed to be the cause of death. There was no evidence implying the responsibility of any police official.

52. Oscar Reinaldo Betanzo Maturana, Renato Rodrigo Merino Aravena, Osvaldo Antonio Merino Aravena and Jaime Alejandro Manríquez Monasterio, arrested on 19 May 1995 in Santiago by carabineros. The Government reported that owing to the lack of evidence regarding their participation in a robbery, they had been set free, and that an administrative investigation had shown that the police proceedings had remained fully within the law.

53. Jorge Bustamante Inostroza, arrested by carabineros on 13 February 1995 in Santiago. The Government reported that this person had been arrested on 15 February 1995 and a few hours later had been sent to the preventive detention centre, without any signs of injuries, and had been admitted in that condition by gendarmería officials.

54. Alex Calderón Venegas, arrested on 13 August 1994 in Santiago by carabineros. The Government reported that, according to the diagnosis of San José hospital, the person had shown marks of slight injuries at the time of his arrest, and that on the same day he had been brought before the court and handed over to the Preventive Detention Centre with an exact description of his injuries.

55. Hugo Francisco Carvajal Díaz, arrested by the police on 17 April 1995 in La Pintana, Estrecho de Magallanes, Santiago. According to the Government, an administrative investigation had been carried out into alleged unlawful proceedings and ill-treatment, reaching the conclusion that the responsibility of police officials was not involved. Nevertheless, a few minor faults had been found in police proceedings, which had been duly sanctioned. Mr. Carvajal had not been examined by police physicians. The 11th court of criminal investigation of San Miguel was examining the case for unlawful ill-treatment.

56. Juan Alberto Contreras Acevedo, arrested on 30 April 1994 by carabineros of La Victoria station, Santiago. The Government reported that at the time of this person's release, he bore no visible injuries or bruising. The Chilean Carabineros moreover reject allegations regarding the application of electric shocks, a practice never employed by the carabineros.

57. Tania María Cordeiro Vaz and her 13-year-old daughter Patricia Vaz Peres Amorim, arrested on 16 March 1993 in Rancagua by members of the Police Assaults Brigade. The Government reported that examination proceedings had been initiated, which had established the administrative responsibility of the chief of the unit concerned and eight officials for failing to carry out their duties with due interest and determination and for abuse of authority, those responsible having been subsequently removed from the brigade. In addition, the 14th Court of Criminal Proceedings of Santiago has started proceedings on the case. The Government also reported that Mrs. Cordeiro had been examined by a forensic physician at the First Assaults Station and had showed no physical or mental signs of recent injuries.

58. Hugu Ibáñez Navarrete, arrested by carabineros on 22 May 1995 on the Plaza Longaví. The Government reported that an internal inquiry had been opened, which had determined the administrative responsibility of the arresting official, as a result of which the case had been reported to the Military Prosecutor's Office of Talca for unnecessary violence.

59. Victor Manuel Lira Moreira, arrested by carabineros on 5 November 1994 in the Playa Grande district of Cartagena. The Government reported that the wounds shown by the person had been produced when he himself had broken out of the police van in which he was being transported and had thrown himself onto the road.

60. Juan Luis Navea Espinoza, arrested on 7 May 1995 by carabineros of El Castillo station. The Government reported that he had been arrested for carrying and keeping a firearm.

61. Eduardo Andrés Pineda Mulato, arrested by carabineros on 15 November 1994 in Santiago. The Government reported that this person had shown only slight injuries on the wrists, which had resulted from his own struggling while handcuffed as a security measure.

62. Fernando Abelino Rojas Serrano, arrested by carabineros of the Fourth Santiago Station on 3 June 1995. The Government reported that, while he had been detained, the person had aggressed the duty officers, who had had to restrain him in order to calm him down, and he had even hit himself against the walls.

63. Hernán Alfonso San Martín Jeria and Leonardo Alarcón, arrested by carabineros on 4 March 1995 in the commune of Renca. The Government reported that after due administrative investigation no liability was found on the part of police officials on duty.

64. Pedro Gastón Sánchez Salazar, arrested by the carabineros on 3 April 1994 in the village of Huamachuco, commune of Renca. The Government reported that this person had been released a few hours after having been detained and that, on leaving the station, he had not borne any visible injuries or bruises. On the following day, he had reported to the emergency station and lodged a complaint for injuries against police staff with the official on duty. The case was currently before the second Military Court of Santiago.

65. Pablo Seguel Ramírez, severely beaten by carabineros on 6 January 1995 near the Playa El Quisco. According to the Government, this person had not been beaten by carabineros, but by several individuals with whom he had been drinking, which was the reason why he had requested the assistance of the carabineros from his home. He had later lodged a complaint with the carabineros station of San Antonio, leading to an administrative inquiry, which in conclusion had decided to impose disciplinary sanctions on the officials who had gone to his home for not having followed the correct procedures.

66. Cecilia María Silva Godoy, beaten at the carabineros station Las Quilas de Temuco on 6 November 1994. The Government reported that this person suffered from severe mental disturbances and that the injuries which had occurred at the said station were the result of her own action, when she grew angry because the duty staff took time attending her. Nevertheless, her mother had reported the incident, whereupon the facts had been brought to the notice of the second Military Court of Santiago on a complaint of unnecessary violence. Subsequently, a complaint for injuries had been lodged with the second Criminal Investigation Court of Temuco. The internal administrative inquiry had concluded that carabineros staff were not responsible.

67. Victor Hugo Solís Chico was arrested by the police in Valdivia on 18 April 1993. In 1995, the Government reported that the case had been

dismissed as ill-founded. In 1996, however, it further reported that a detective had been committed for trial and that the case had been brought before the Valdivia Court of Appeal for stay of proceedings.

68. José Uribe Díaz, arrested by the Puerto Montt police on 21 August 1993. The Government reported that an inquiry had been held, which had not confirmed the accusation, but had established minor administrative faults in police proceedings, which had been duly sanctioned. The person had not been examined by the medical service.

69. Miguel Angel Vallejos Palma, arrested by carabineros on 25 February 1995 in Panimávida, Colbún, seventh district. The Government reported that in the course of an administrative inquiry, a sergeant had been found responsible; the latter had been discharged from the carabineros and had been handed over to the Military Prosecutor's Office of Talca, where he had been detained.

China

70. On 5 July 1996 the Special Rapporteur transmitted the individual cases summarized in the paragraphs below.

71. Zheng Musheng, of Dongkou county, Hunan province, arrested in January 1994 under accusation of "swindling people and seriously disturbing public order by spreading rumours and fallacies", was reportedly targeted for his involvement in officially unapproved religious activities. At Shanmen police station, he was allegedly tortured in order to force a confession and died the following day. His widow filed a suit against police officials complaining about his death in custody, but was being kept under surveillance and interrogated repeatedly by police officers.

72. Li Dexian, a travelling evangelist, was reportedly arrested by Public Security Bureau (PSB) officers in Beixing township, Guangdong Province, on four occasions between December 1994 and 18 March 1994 and beaten on three of those occasions. During his arrest on 18 February 1995, five or six officers allegedly beat him with steel rods as a result of which he suffered broken ribs and an injury to his back. The officers also allegedly jumped upon his body and kicked him.

73. Gao Shuyun and Huang Guanghua were among 30 to 40 followers of the underground Catholic church in Congren and Yihuan counties and Linchuan city, Jianxi province, reportedly arrested in April 1995 by PSB officers from Fuzhou during an Easter Mass held on Yujiashan (Yujia mountain). They were allegedly beaten severely and, as a result, were unable to feed themselves without assistance following their release.

74. Wang Jingbo was reportedly detained unlawfully by the Chaoyabg district PSB in Beijing on 26 November 1995 and allegedly beaten severely in custody, whereafter he died on 3 December 1995. His family was provided with a death certificate which indicated the cause of his death to be cerebral bleeding. The family requested an autopsy, the results of which revealed 12 broken ribs and a brain haemorrhage.

75. Wandu and his 13-year-old son were reportedly detained by the Nepalese authorities around 24 October 1994, after they had attempted to cross the border at Zhangmu. They were subsequently turned over to the Chinese authorities, who allegedly beat them repeatedly with sticks on the legs.

76. Dudul Dorje, a nomad from Jyekundo (Yushu) in Qinghai province, and 12 other persons were reportedly beaten with electric batons during interrogation by police, following their detention in Dram, near the border with Nepal, in November 1994. They were subsequently transferred to Lhasa and held for four months, under accusation of separatism. Dudul Dorje was questioned up to three times per day, during which time he was allegedly beaten and given electric shocks.

77. Norbu, Dondrup and Jamyang Phuntsog, arrested by PSB officers in Lhasa in January 1995, were allegedly interrogated under torture over nine days at the branch police station in Kyires, including by application of electric shocks through wires to their thumbs and beatings with electric batons while tied to a pillar.

78. Kunchog Tenzin was reportedly arrested in February 1995 and allegedly beaten severely at Nagchu prison, as a result of which his hands became disfigured and his back was injured permanently. He was said to be subsequently unable to stand erect.

79. Chungla (female), a resident of Nepal, was reportedly detained on 5 April 1995 by PSB officers in Dram, after she had crossed into Tibet to conduct business affairs. In police custody at Shigatse she was allegedly tortured under interrogation by means of beatings with electric batons, which caused her to lose consciousness several times. She was later taken to Nyari prison and detained without trial for almost four months.

80. Sherap Wangmo (female) was reportedly beaten severely by three named officials in April 1995 in Drapchi prison, where she was serving a three-year sentence.

81. Sherab Dragpa, a monk from Kham, was reportedly detained with a number of other persons in April 1995, following their deportation from Nepal. They were held at the police station in Dram for seven days and at a military camp for another eight days, during which time they were allegedly deprived of food. They were subsequently transferred to Shigatse for eight days, where they were allegedly kicked and beaten with sticks and electric batons during interrogation.

82. Tsondrup, a nun from Tingri, was reportedly arrested in May 1995 while trying to cross into Nepal at Zhangmu. During ten days of interrogation at a prison in Zhangmu she was allegedly beaten repeatedly on the legs with iron rods.

83. The Special Rapporteur also reminded the Government of 35 cases transmitted in 1994 and 1995 regarding which no reply had been received.

Urgent appeals sent and replies received

84. The Special Rapporteur transmitted an urgent appeal to the Government on 7 August 1996 on behalf of Liu Nianchun, a detained labour activist, who had reportedly been transferred to Tuanhe Labour camp on 10 July 1996, where he was allegedly subjected to beatings by an inmate identified as the "head" of a prisoner group. He was allegedly being denied necessary medical treatment for his condition. On 4 October 1996 the Government replied that no incident of beatings by inmates had occurred. When he arrived at Shuanghe Camp, Liu Nianchun claimed to be ill and so was not assigned a job, but rather was taken to hospital for examination and treatment. Allegations about his being beaten and denied medical treatment were false rumours spread by someone with ulterior motives. The legal rights of prisoners, including those protecting their personal security and dignity, were fully guaranteed by law and ensured in practice. The authorities had set up a strict supervision mechanism, which ensured that violations by law enforcement officials did not go unpunished.

85. The Special Rapporteur transmitted another urgent appeal on 16 October 1996 on behalf of Wang Hui, the wife of imprisoned labour rights activist Zhou Guoqiang, who was reportedly arrested on 20 September 1996 and was being held incommunicado. She was said to have been detained on a number of occasions since May 1995, including for 27 days between May and June 1996, during which she was allegedly twice subjected to beatings, once by a prison doctor and again by a prison guard Section Head. She reportedly sustained injuries and scars from the beatings, including to her shoulder. In August, she was apparently quoted by foreign reporters as intending to sue the Beijing police for illegal detention and ill-treatment.

Colombia

86. By letter dated 16 September 1996 the Special Rapporteur transmitted to the Government the cases mentioned in the paragraphs below, to which the Government referred in its letter dated 28 November 1996.

87. Paolo Rafe, inmate of the prison of La Picota (Santafé de Bogotá), was said to have been violently beaten on 8 August 1994 by members of the Anti-extortion and Anti-kidnapping Unit (UNASE) of the National Police when they entered the maximum security wing for the purpose of transferring the prisoner.

88. On 13 August 1994, military personnel of the second Mobile Brigade raided the settlement of Pitalito (Curumaní, César), where for several days they had ill-treated local peasants, including the following:

(a) Hermes Eli Quintero was allegedly beaten, seized with a towel by the neck and taken to a well where he was reportedly submerged, while they placed one foot on his neck and another on his stomach;

(b) Danilo Lozano was said to have been taken to a small stream, where with a towel they had stopped his mouth and nose, while they poured water from a flask until he had almost drowned;

(c) Huber Arévalo had been seized by the neck with a towel and dragged to a stream, where they had reportedly dipped his head in the water until he had almost drowned.

89. According to the Government, the three cases had been provisionally filed by the Military Court.

90. Marco Albeiro Valencia Duque was said to have been arrested on 21 September 1995 with three other miners in Remedios, Antioquia, by police units and army personnel. He was reportedly taken to the police station, where they beat him and placed a bag over his head. They also allegedly introduced a grenade in his mouth and pointed a rifle at his head.

91. Argeidis Cáceres Arciniegas, a 14-year-old peasant, was said to have been stopped by a patrol of the second Mobile Brigade on 19 November 1994 in the settlement of Caño Pueretano (Sabana de Torres, Santander). When he said that he did not know the whereabouts of the guerrilla chief, he was reportedly shoved, kicked, thrown into a pond and struck with a rifle. He was also said to have been threatened with being tortured with water and a towel, and they allegedly kicked him in the head and placed an electric wire on his arms.

92. Alberto Castillo López, a peasant living in the village of Dante Bajo (Simacota, Santander), was said to have been arrested on 26 November 1994 by a military patrol of the battalions Los Guanes and Luciano D'Elhuyar and two paramilitaries. Accused of being a guerrilla fighter, he was allegedly questioned, thrown to the ground and stepped on. They also reportedly kicked him and covered his face with wet towels, throwing water into his mouth, ears and nose. He was allegedly asphyxiated until he fainted and then obliged to sign a statement of fair treatment.

93. Edy Enrique Goes Luna, a young peasant still under age, was said to have been tortured in February 1995 by military personnel of the second Mobile Brigade in the village of Popal, in the hills of San Lucas, Simiti, Bolívar. He was allegedly seized by the hair; his head was struck several times against the wall and he was thrown to the ground while they questioned him. They also reportedly burnt him on the back with the hot muzzle of a rifle and then trod on his burn.

94. Nubia Rodríguéz, a peasant three months pregnant living in the village of La Cristalina, Puerto Wilches, Santander, was said to have been tortured on 21 February 1995 by members of the No. 5 Counter-guerrilla Battalion, who reportedly tied her hands behind her back and stood on her stomach. One soldier allegedly took off his belt and beat her on the back, while they were questioning her regarding the whereabouts of the guerrillas.

95. Clarisa Cardozo, a peasant, was said to have been arrested on 26 August 1994 by members of the Luciano D'Elhuyar battalion, accompanied by members of the paramilitary group "Los Masetos", who burst into her house (in Betulia, north Santander), saying that she had to hand over the guerrilla fighters. She was reportedly obliged to place her head in a container of salty water.

96. Luis Enrique Prada Gómez was said to have been arrested on 8 March 1995 by soldiers of the Nueva Granada and Ricaurte battalions, at the departmental inspectorate of Puente Sogamoso, Puerto Wilches, Santander. His head was reportedly placed in a bucket full of salty water. The Government reported that the military court had decided to close the case.

97. Jairo Garavito Tirado, an under-age peasant, was said to have been arrested on 11 May 1995 in Betulia, Santander, by members of a paramilitary group, accused of cooperating with the guerrillas. He was allegedly beaten 38 times with a stick, and then laid down face upwards with his hands tied, while his nose was covered with a towel and dowsed with salty water. They were also alleged to have beaten his mother, Ana Rosa Tirado.

98. With respect to all the aforegoing cases, the Government reported that the Office of the Parliamentary Commissioner had not received any complaints.

99. Dora Inés Sánchez, a peasant, was said to have been tortured on 7 January 1995 by four soldiers of the No. 5 Counter-guerrilla Battalion Los Guanes, who broke into her house situated in the village of Caño Pueretano (Sabana de Torres, Santander). A soldier was alleged to have taken a towel and a mat from the house, on which Mrs. Sánchez was obliged to lie down. The towel was reportedly placed over her face, while two soldiers kept it pressed over the mouth and nose. They were also alleged to have brought a bucket of water and to have thrown water at her mouth and nose.

100. Libardo Orejarena, a peasant, was said to have been stopped on 7 January 1995 at a place called Paturia, near Caño Pueretano (Sabana de Torres, Santander) by soldiers of the No. 5 Counter-guerrilla Battalion. They allegedly tied his hands behind his back, before throwing him to the ground face upwards, exerting pressure on his nose and mouth with a towel. They also reportedly threw water at him while they questioned him about the whereabouts of the guerrilla forces. One soldier was said to have stood on his stomach, exerting pressure, and they allegedly throttled his neck with their hands until he almost choked.

101. Leónidas Bastos Goyeneche was said to have been arrested on 4 February 1995 by soldiers of the No. 5 Counter-Guerilla Battalion in Sabana de Torres, Santander. It is alleged that they tied his hands and that several soldiers stood on his stomach. Also, while they questioned him about the guerillas, they reportedly stuffed a towel in his mouth, throwing salty water into his nose and dipping his head in a stream until he almost drowned.

102. With regard to the three aforegoing cases, the Government reported that they had been transmitted to the Office of the Attorney-General of the Nation.

103. Giacomo Turra, a 24-year-old student of Italian nationality, died at the hospital of Bocagrande, Cartagena, Bolívar, on 3 September 1995. According to a report by the High Commissioner for the Police, his death was allegedly the result of numerous blows inflicted by police officers, which caused a brain trauma.

104. Martín Oyola Palomo, caretaker of the building of the Colombian Workers' Union (UTC) was arrested on 22 May 1996 in Bogotá by three armed individuals

suspected of being connected with the Battalion of the Presidential Guard. The individuals allegedly forced him to climb into a van, inside which they blindfolded him, tied his hands, beat him repeatedly and carried out mock executions. They were also said to have pierced his nails with a sharp object until he lost consciousness. The Government reported that the case had been transmitted to the Ministry of Defence, which had decided to dismiss it.

Information received from the Government regarding cases included in earlier reports

105. On 27 February 1996, the Government sent replies on the following two cases which had been transmitted by the Special Rapporteur on 29 May 1995: Jairo Calderón Rueda, a leader of the Workers' Union in Bucaramanga, brutally beaten by police on 2 January 1994; according to the Government, on 14 September 1995 the Provincial Prosecutor's Office of Bucaramanga ordered the dismissal of a National Police officer implicated in the events. Alexander Peñuela Sanabria, arrested in Barranquilla on 18 September 1994 by members of the SIJIN (Military Intelligence), and subjected to torture at the fourth police station of Bosque. The Government reported that the disciplinary inquiry had found three officers of the National Police responsible for those acts.

Congo

106. The Special Rapporteur sent two urgent appeals to the Government. The first, dated 14 February 1996, concerned René Serge B. Oba, Médard Ondzondgo, Lessita Otangui and Bernard Bouya, trade union leaders, alleged to have been arrested and tortured in January 1996 by members of the Direction de la sécurité du territoire (DST) in Brazzaville. The second urgent appeal, sent on 2 October 1996, concerned the businessman Pierre Otto Mbongo, reportedly arrested on 11 September in Brazzaville by members of the armed forces, without a warrant, and said to be without contact with his family, his doctor or his lawyers.

Côte d'Ivoire

107. In a letter dated 14 October 1996, the Special Rapporteur informed the Government that he had received reports concerning the following cases: Sylvie Anoma was allegedly raped on 25 June 1995 by a member of the security forces on the university campus of Youpougon (Abidjan); a complaint was reportedly lodged but no inquiry had been opened. Guillaume Soro Kibafori, Secretary-General of the Fédération estudiantine et scolaire of Côte d'Ivoire and eight other members of the same organization were reportedly arrested around 27 September 1995 by members of the DST in Abidjan. They were allegedly detained at the DST premises and at the police school in Abidjan, where they were said to have been beaten and deprived of food for several days.

Cuba

108. On 14 October 1996, the Special Rapporteur again transmitted to the Government a series of cases already sent in 1995 (see E/CN.4/1996/35/Add.1, para. 161), on which no reply had been received. He also transmitted information on the following events which had occurred in the country's prisons.

109. René Felix López, inmate at the Kilo 8 prison of Camagüey, was said to have been beaten on 16, 19 and 25 December 1995, after insistently demanding medical assistance owing to a condition of chronic asthma. As a result of the beating on 16 December he had suffered a fracture of the left arm. In the same prison, Enrique Hernández Tosca was also said to have been beaten, on 16 December 1995, suffering fractures in the cranium and in one arm. Brutal beatings were also reported to have been inflicted in the Kilo 8 prison in 1996 on Jesús Chámber Ramírez; Mariano Luperón, who reportedly suffered fractures in both arms and in the nose; Frank Sotolongo, who allegedly received a strong kick which had necessitated an urgent operation on his appendix; and Luis Portuondo Velázquez, who was said to have suffered a fracture of the cranium.

110. Ramón Varel Sánchez, inmate of Prison 1580 in Havana, was said to have been beaten at the beginning of 1996 by two prison officials, as a result of which he reportedly had to be admitted to the prison hospital. At the same establishment, another inmate, Joaquín Antonio Martínez Lemes, was allegedly beaten because he refused to be transferred to another section where a prisoner was threatening his life. Despite his objections, he allegedly was transferred, and the aforementioned prisoner was said to have attacked him with a pair of secateurs, producing an internal haemorrhage and the loss of the left kidney.

111. René Pérez Castellanos, inmate of the Prison of Valle Grande, was said to have been beaten on 28 May 1996 by an official, who reportedly subjected him to strong kicking, after which he had allegedly banged his head on the wall until Pérez Castellanos fell to the ground unconscious.

Urgent appeals

112. On 22 December 1995, the Special Rapporteur transmitted an urgent appeal to the Government on behalf of José Miranda Acosta, inmate at the prison Kilo Cinco and Medio de Pinar del Río, who was said to have been heavily beaten by a guard, and then transferred to the punishment section, which is reportedly characterized by intense cold in the cells.

Information received from the Government with regard to cases contained in earlier reports

113. On 10 October 1995, the Special Rapporteur, in conjunction with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the situation of human rights in Cuba, transmitted an urgent appeal on behalf of Juvencio Padrón Dueñas, Felix Molina Valdés and Carlos Cruz, who had reportedly received severe sentences after being beaten and forced by the

police to sign self-incriminating statements (see E/CN.4/1996/35/Add.1, para. 163). The Government replied that these persons had been sentenced for murder and that during the court proceedings, at which the offences had been duly proved, they had been entitled to every guarantee, including legal aid.

Cyprus

114. On 4 January 1996 the Special Rapporteur informed the Government of reports he had received concerning Erkan Eğmez, a Turkish Cypriot from Akincilar (Louridjina), who had been detained by Greek Cypriot police under accusation of smuggling and spying in the buffer zone under the control of United Nations peacekeeping forces (UNFICYP). He was allegedly subjected to extensive beatings, as a result of which he was hospitalized on 12 October 1995. A UNFICYP doctor reported serious injuries. His wife observed wounds indicative of torture, including a cut ear, burns possibly made by cigarettes, a bruised chin and forehead, swollen and bloodshot eyes, a stitched wound on the hip. His back was marked with lines suggesting he had been whipped. A medical report from his family doctor confirmed that he had been subjected to torture and that his body was covered with wounds caused by beatings and slashing with implements. He had sustained injuries to his eyes, ear, hip, back, soles of his feet and around his kidneys.

Ecuador

115. By letter dated 11 July 1996, the Special Rapporteur informed the Government that he had received information concerning the cases of Chesman Cañón Trujillo, Ramón Alirio Pérez Vargas, Martha Cecilia Sánchez, Guillermo Díaz and Pedro Aguirre. These persons, of Colombian nationality, legally recognized as refugees by the Ecuadorean authorities, were said to have been arrested on 18 August 1995 in Quito by military personnel. For several days they were reportedly kept incommunicado on military premises near Quito, where they were subjected to blows, electric shocks and death threats and kept blindfolded. On 3 October 1996, the Government replied that these persons had been arrested by army intelligence staff in the course of an investigation for possible conspiracy to subvert the public order.

116. In the same letter dated 11 July, the Special Rapporteur again transmitted to the Government a list of cases communicated in 1995 on which no reply had been received.

Information transmitted by the Government regarding cases included in earlier reports

117. On 3 October 1996, the Government replied regarding the cases of Oscar Soto and John Kennedy García Petevi, which had been transmitted by the Special Rapporteur on 29 May 1995. These persons were said to have been arrested by the police in Quito on 12 April 1994 and tortured at the Provisional Detention Centre. In its reply, the Government confirmed that they had been arrested and pointed out that the Provisional Detention Centre was placed under the authority of the Ministry for Social Welfare, where no types of police investigations were carried out.

Egypt

118. By letter dated 22 July 1996 the Special Rapporteur transmitted to the Government information on the cases summarized in the paragraphs below.

119. Nasr Ahmad Ali Es-Sayyed, an inmate at Fayyom Prison, was allegedly assaulted and hit by a prison officer in September 1995, as a result of which he fell into a coma. He was said to have sustained a clot on the brain that rendered him partially paralysed and unable to speak.

120. Khedewi Mahmoud Abdul Aziz and Mohamed Ibrahim Saeed were among a number of persons reportedly injured on 31 August 1994 in the course of operations conducted at Tanta prison by prison officials and members of the Security Services Investigation (SSI). Prisoners were allegedly beaten indiscriminately with rubber and wooden truncheons.

121. Mostafa Ali Muharram, Ahmed Badr Gad, Salah Ahmed Al-Sayyed, Abdul Fattah Ibrahim Ahmed, Abdul Fattah Eid Hassan, Abdul Nabi Hashem Taha and Youssri Monamed Fawaz were among a number of prisoners injured at Abu Za'abal prison on 12 September 1994 during an operation by prison officials and members of the SSI. The prisoners were said to have been assaulted with tear gas and electric batons.

122. Abd Al Latif Idris Ismail was reportedly arrested on 25 March 1995 under accusation of petty theft and tortured for four days at Helwan police station. He was allegedly hung upside down from the ceiling and subjected to electric shocks which resulted in the paralysis of his left leg and arm. He was released on 30 March, but was arrested again five days later and subsequently taken to hospital.

123. By the same letter, the Special Rapporteur requested follow-up information from the Government with respect to a substantial number of previously transmitted cases, including information on developments in investigations or judicial proceedings.

Information received from the Government with respect to cases included in previous reports

124. On 8 December 1995, the Government replied to the cases that the Special Rapporteur had transmitted on 26 April 1995 (see E/CN.4/1996/35/Add.1, paras. 182-210).

125. With respect to the following persons allegedly subjected to torture, the Government stated that they had failed to present themselves at the Office of the Assistant Attorney-General, even though they had been invited to do so in order to complete the investigations: Gamil Hassan Metwalli Sayyid, Mustafa Sadiq Ibrahim Musa, Ashraf Abul Hassan Ibrahim Qasim, Muhamad Alawi Ali Abdul Muhaimin, Atiyya Ahmad Muhammad al-Sayyid, Midhat al-Sayyid Ahmad Hilal, Muhammad Khalaf Youssuf Abdul Rahman Zayid, Ahmad Thabit Farag Muhamad, Atif Gamal Mahmoud Umran, Abul Magd Hani Sabir Siyam, Khalid Said Mahmoud, Mu'tazz Ali Abdul Karim Abdul Ghani, Tal'at Fuad Muhammad Qasim, and Ahmad Fathi Hafiz al-Dhayit. The investigations into these cases were being completed in the light of the findings of technical reports.

126. With respect to the cases of Sharif Hassan Ahmad Muhammad Hassan, Qasim Ibrahim Qasim Qutaish, Ala ed-Din Abbas Radhan and Ahmad Ibrahim Abdul Galil Mustafa, in which the court had found evidence obtained through their torture to be inadmissible, and in regard to which the Special Rapporteur had sought to determine whether the persons responsible for the acts of torture had been prosecuted and compensation paid to the victims or their families, the Government stated that the substantiating grounds of the judgement in the case had not indicated whether there was any evidence of torture. Neither these persons nor their families had instituted legal proceedings to claim compensation.

127. With respect to Mahmoud Hussein Muhammad Ahmad, the Office of the Attorney-General had re-examined his complaint and upheld the decision of the El-Minya Public Prosecutor to close the case.

128. With respect to Munabbiya Nagi Ali, the Prosecutor at the Tanta Court of Appeal had decided that the charge against the officer alleged to be responsible, although inadmissible, should be retained in the register of administrative complaints. The complainant had lodged an appeal with the Assistant Attorney-General who upheld the view of the Prosecutor on 23 February 1994.

129. In the case of Abdul Harith Muhammad Ibrahim Madani, the Department of Public Prosecution (DPP) had requested the Department of Forensic Medicine to expedite the dispatch of the final autopsy report and the Department of Forensic Medicine had requested further information from the DPP concerning the circumstances surrounding the death of the victim. The DPP had questioned the police officers responsible for the arrest and had replied to the questions raised by the Department of Forensic Medicine. The file was awaiting a final decision by the DPP.

130. With respect to those persons who had been summoned to the DPP so that their statements could be taken, some of whom had been referred to the Department of Forensic Medicine, the Special Rapporteur had requested to be apprised of developments in the cases. Regarding the cases of Muhammad Sammir Ubaid al-Sayyid, Khalid Abdul Fattah Hassan Mustafa, Muhammad Ali Muhammad Metwalli, Khalifa Abdul Azim Abdul Aziz Khalifa, Yahya Khalafallah Muhammad Ali, Rabi' Ahmad Rikabi Ahmad, Za'id Abdul Sami' Ali Ammara, Ahmad Shawqi Thabit Abdul Al, Abdul Rahim Abdul Ghaffar Mursi Abdul Bari, Muhammad Gallal Ahmad, Samir al-Sayyid Mahmoud Raihan, Yaseen Abdul Sattar Yaseen, Gamal Muhammad Abu Zaid Shabib Hilal, Tariq Metwalli al-Iraqi, Islam Ragab Abdul Hadi Sha'lan, Khalifa Abu Zaid Shabib Hilal, Tariq Metwalli Ahmad al-Tukhi and Yasir Haggag Ahmad Haggag, the Government stated that medical reports had been received from the Department of Forensic Medicine and the accused officers had been summoned so that they could be questioned and confronted with the findings of the investigations. Those investigations would be completed in the light of their statements. However, with respect to the cases of Muhammad al-Sayyid, Amin Hamdi Salim, Hisham Mubarak Hassan, Ahmad Ismail Mahmoud Salama, Adil Al-Sayyid Qasim Sha'ban, Amer Abdul Moneim Muhammad Ali, Muhammad Afifi Matar, Muhammad Rashid Abdul Rahim al-Imam and Muhammad al-Sayyid al-Sayyid Higazi, none had presented himself for the medical examination that

had been ordered, nor had any of them pursed their complaints in order to complete the legally prescribed procedures needed for a final decision, despite repeated requests and summonses in that connection.

131. The Special Rapporteur considered that the original reply from the Government to a number of cases had not clearly addressed the allegations of torture. Among those cases, the Government stated that for those persons acquitted by the military court, particularly Abdul Moneim Gamal el-Din Abdul Moneim, Hussein Taha Umar Affifi, Amre Muhammad Ali al-Iraqi, Tariq Mansour Ali, Hassan Makkawi Hassanein Makkawi and Muhammad Ali al-Sayyed Higazi, the court had not been convinced of the truth of the allegations of torture. The acquittals had been objective and unrelated to the allegations of torture. As to the cases of persons convicted by the military court, namely Hilal Uthman Mursi Hilal, Ashraf al-Sayyid Ibrahim Salih Abul Lail, Shafi'i Magd Ali Magd, Ali Hashim Muhammad Ali Ammara, Muhammad al-Sayyid Mustafa al-Dassouqi, Tariq Abdul Razaq Hassan, Hamadnah Qasim al-Abd Qasim, Iyhab Abdul Maqsoud Mu'awwadh Ibrahim, Al-Sayyid Salih al-Sayyid Sulaiman, and Tariq Abdul Nabi Hassan al-Fahl, the court had applied all the legal procedures concerning the defendant's right to make allegations of torture in order to substantiate the case for the defence or to be examined by the Department of Forensic Medicine. The court had not been convinced of the allegations of torture. The substantiating grounds for the court's judgement had not stated that the court had based its verdict on evidence obtained through torture.

132. With respect to the case of Ramadhan Mahmoud Ahmad, a lawyer who was allegedly tortured at the Abu Za'bal branch of the SSI, he had gone to Abu Za'bal prison with the wife of a detained terrorist and had presented two visit permits, one of which had been falsified. The DPP had begun an investigation and ordered his release on his own recognizance.

133. As for Tihami Ahmad Abdullah Shalabi, Safawat Ahmad Abdul Ghani, Ahmad Abduh Salim, Mahmoud Muhammad Ahmad Shu'aib, Hassan al-Gharbawi Shahhata, Adli Abdul Latif and Muhammad Mursi, who were allegedly tortured or ill-treated by warders at a high security prison in February 1994, the head of the DPP and two deputies had made an unannounced visit to Tora prison to investigate a complaint by their lawyer that they had begun a hunger strike after being assaulted and tortured. The DPP personnel inspected the cell blocks and interviewed the prisoners, who complained of a lack of bathing facilities, denial of family visits and beatings, but denied beginning a hunger strike. The inspectors noted the absence of evident injuries on their bodies, but ordered a medical examination. The DPP studied the results of the medical examinations, interviewed the accused warders and decided, on 23 June 1994, to close the cases in view of the spurious nature of the allegations and the fact that the persons concerned had not begun a hunger strike. Pursuant to an appeal by their lawyer, the Office of the Assistant Attorney-General for Human Rights reinvestigated the case and endorsed the DPP decision.

134. In the following cases of alleged ill-treatment at various police stations, the Government replied that all the legal procedures had been followed and the complaints had been received and investigated by the DPP, which had instituted criminal proceedings against some of the culprits and referred others to disciplinary tribunals, depending on the nature and the

gravity of their acts: Magdi Shadhili Abdul Rahman, Khalid Saqr Ibrahim, Muhammad Magdi Ibrahim, Sami Lutfi Abul Magd, Muhammad Muhammad Abdul Rahman, Muhammad Mubarak Muwafi and Gamal Mubarak Muwafi, Imam Muhammad Imam, Ahmad Ismail Ahmad, Midhat Ali Zahra, Abdul Latif Muhammad Basha, Muhammad Farouq Ali Nawfal and Izzat Isamail. No details were given regarding which measures were taken in respect of which case.

135. With respect to the 51 persons arrested at the village of Zayida, Ousim, Giza on 5 December 1993 (names omitted), many of whom were allegedly subjected to torture at Ousim police station, the Government replied that complaints had been filed, including one by the local people's council of the village of Barajil. The investigation was being completed by the Office of the Assistant Attorney-General for Human Rights, which had referred some of the complainants for medical examination and had heard the statements of witnesses and alleged victims.

136. In the case of Adil Gawdat Hussein, who was allegedly ill-treated at El-Teiben police station on 2 March 1994, the Government replied that the DPP had questioned the officer and witnesses, ordered a forensic examination and closed the case in view of the inadequacy of the evidence.

137. As for Adil al-Sayyid Abul Hadi and Fatima al-Sayyid Abdul Hadi, who had allegedly been ill-treated by two officers from El-Sharabia police station on 25 June 1994, no evidence had been found of any security measure taken against them.

138. With respect to Abdul Moneim Muhammad Sayyid Ahmad, Imam Abdul Moneim, Muna Muhammad Gad, Ahmad Abdul Moneim Muhammad and Zain Ahmad Sabir, who were allegedly subjected to torture by officers from Manshiet Nasr police station between 14 and 24 July 1994, the Government indicated that the DPP was conducting an investigation and hearing the statements of victims and witnesses at the request of the Office of the Attorney-General.

139. In the case of Adil Muhammad Ibrahim, who was allegedly subjected to torture or ill-treatment by officers of the May-Helwan police station, the Government stated that he had assaulted the arresting officer and had deliberately injured himself to be able to claim that he was tortured. The Office of the Assistant Attorney-General for Human Rights decided on 26 January 1995 that the institution of criminal proceedings was unwarranted in view of the inadequacy of the evidence.

140. With respect to Amre Muhammad Safwat, who was allegedly tortured at Ain Shams police station and at SSI premises in October 1993 and subsequently died in hospital, the Government replied that the DPP had investigated a complaint against the superintendent of Ain Shams police station, the deputy head of the Criminal Investigations Department and a hospital director and had concluded that suspicion of death through criminal conspiracy could be excluded, although administrative sanctions should be imposed on the accused persons for having violated instructions concerning confinements in hospitals. The Assistant Attorney-General for Human Rights had ruled inadmissible an appeal against this decision and the file had been sent to the administrative authorities to impose the requisite administrative sanctions.

141. In the case of Abdul Mageed Khalifa, who allegedly died as a result of torture at al-Wasta police station in May 1994, the DPP had decided that a complaint by his family alleging that he had died as a result of a criminal act of torture was inadmissible. The family appealed to the Attorney-General and the DPP reinvestigated the matter and upheld the earlier decision to close the case.

142. With respect to Fath ul-Bab Abdul Moneim Sha'lan, who was allegedly beaten to death, and his son, Yaser Fath ul-Bab Abdull Moneim Sha'lan, who was allegedly tortured at Helwan police station in August 1994, the DPP had referred the case to the Southern Cairo Criminal Court, where it was being heard.

Urgent appeals

143. On 22 August 1996 the Special Rapporteur made an urgent appeal on behalf of Sayyid 'Abbas Sayyid, Taha Mansour, Sa'id Taghour, Hisham Mohammad 'Abdu and 'Abd al-Hamid Mahmoud Qutb Khalil, who were among 43 suspected members of Talai' al-Fatah (the Vanguard of the Conquest) reportedly arrested in early July 1996 in Cairo and other governorates under accusation of "possession of large quantities of dynamite and preparing to overthrow the regime". They were allegedly being subjected to torture at the headquarters of the SSI. A sixth person, identified as Ahmad Mohammad 'Abd al-'Adhim Higazi, was reported to have died the preceeding week at SSI headquarters as a result of torture.

El Salvador

144. By letter dated 10 October 1996, the Special Rapporteur transmitted the following cases to the Government: Carlos Ulises Bonilla, arrested on 2 November 1995 by the Civil National Police of the canton of Pavana, jurisdiction of San Alejo, La Unión, accused of ill-treating his concubine; the police had reportedly tied him to a tree and beaten him repeatedly, producing a rupture in the small intestine. Hector José Vásquez Orantes and Edgardo Armando Alvarado Mejia, arrested on 21 January 1996 for drunkenness by the Civil National Police in the municipality of Tepecoyo, La Libertad, were reportedly taken to police premises and violently beaten, as a result of which Mr. Vásquez Orantes had had to be operated for intestinal injuries.

Equatorial Guinea

145. By letter dated 12 July 1996, the Special Rapporteur transmitted the following cases to the Government.

146. Jorge Ondo Esono and Antonio Abogo, members of the Convergencia para la Democracia Social (CPDS) party, were arrested by the police on 19 November 1994 in Akonibe, south-east of the Río Muni, as they were going to their party congress in Bata. While they were detained, they were reportedly subjected to sessions of 50 blows with rubber truncheons, morning and afternoon.

147. Indalecio Abuy was arrested on 15 April 1995 by security officers, who transferred him to a military base situated five kilometres away from Bata. During the two days he remained there, he was reportedly severely beaten with a high-voltage cable.

148. Norberto "Tito" Mba Nze, Mariano Nsogo and Baltasar Nsogo Ntutumu, CPDS members, and Pascual Nsomo Mba, member of the Partido del Progreso (PP), were arrested in Akonibe on 10 April 1995. After being transferred to the Akonibe police station, they were allegedly severely beaten, including on the soles of their feet.

149. Jesús Marcial Mba was arrested in November 1995 in the neighbourhood of Los Angeles de Malabo and severely beaten. As a result of the beatings, he had to be hospitalized, where he was diagnosed as suffering permanent injuries to his spine and a fracture of the left arm.

150. Feliciano Boko Beña was arrested in December 1995 in Baney, some 25 kilometres from Malabo, by police officers who accused him of complicity in a robbery. While he was detained, he was reportedly severely struck on the chest with a rifle, causing the fracture of several ribs. One of his fingers was allegedly torn out with pincers, as a result of which he developed septicemia. He died soon afterwards.

151. It was also reported that in February 1995 several PP leaders and several dozen soldiers were arrested in Malabo and Río Muni, accused of a plot to overthrow the Government. Those arrested included Agapito Ona, Norberto Nculo, Lieutenant-Colonel Pedro Esono Masié, Leoncio Miká, director of the Bata Military Academy and Pedro Massa Mba. Before being transferred to Malabo for trial, they were said to have been kept in premises of the Presidential Palace in Bata. They were also reportedly kept undressed, some for a month, in closets measuring 70 x 50 cms, almost without food. At night they were taken to the wood, where they were hung up and beaten, with their feet and hands tied, under pressure to sign confessions.

152. The Special Rapporteur sent the Government two urgent appeals. The first, transmitted on 25 March 1996, on behalf of Amancio Gabriel Nse, regional CPDS leader, who had allegedly been arrested on 18 March 1996 in Niefang, Centro-Sur province, Río Muni. The second, transmitted on 24 May 1996, on behalf of Francisca Nzang Ebasi, wife of the Mayor of Nkimi, Centro-Sur province, who had reportedly been arrested with her newly-born son and taken to police premises in Niefang. On 28 May the Government reported that at no time had Francisca Nzang been detained.

Ethiopia

Urgent appeals

153. A number of persons were reportedly being held incommunicado since mid-February 1996 in connection with alleged support for the Oromo Liberation Front (OLF), including Olana Bati, a 75-year-old Oromo elder, arrested in Nekemte on 28 February 1996, who was said to be detained for the seventh time since 1992. Other persons reported to be detained were Asrat Buli,

Baharsity Obsa (female), Shabbe Sheko (female), Dalu Bekule and Abdella Ahmed Tesso. Another detainee, Challa Kebebe, was allegedly tortured to death. (2 May 1996)

154. Zegeye Asfaw, a former Minister of Agriculture and head of the non-governmental organization Hundee (Root), was reportedly arrested in Chancho on 9 June 1996, suspected of involvement with the OLF, and was being held without charge at Chancho police station. On 24 June 1996 the Government replied that Zegeye Asfaw had not at any time been arrested or detained by the police. He had gone to Chancho, but had stayed overnight in a hotel and then returned to Addis Ababa. (13 June 1996)

155. The following members or former members of Parliament from Region 5 (Somalia) were reportedly being held incommunicado: Sheikh Abdinasir Ada, Nur Gooni Khalif, Khadar Moallin Ali, Ali Bashe Sheikh Abdi, Riyaale Haamud Ahmed, Ahmed Makaahiil Hussein, Ibrahim Adan Mahamud "Dolal", Abdirashid Ahmed Khalif, Mohammed Abdi Nur, Mohammed Sheikh Hassan, Mohammed Sheikh Abdi Ahmed, and Hanood Banday. The detainees were said to be held in Jijiga, except for Ibrahim Adan Mahamud "Dolal", who had been transferred to Addis Ababa. (20 September 1996)

156. The Special Rapporteur made an urgent appeal in conjunction with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of a large number of persons detained in Hararge province on suspicion of supporting the OLF. The detainees included those held in what were alleged to be 23 secret detention centres in Deder district, as well as some 300 persons held at Harrar central prison. The Special Rapporteurs transmitted the names of 14 persons who had allegedly been summarily killed while in detention in Deder district. Others were allegedly being subjected to torture. (8 November 1996)

France

157. On 8 August 1996, the Special Rapporteur informed the Government that he had received information according to which several members of the Executive Secretariat of the Trade Union Confederation A Ti'a I Mua in Papeete, Tahiti, French Polynesia, were allegedly ill-treated by mobile guards on 9 and 10 September 1995 in Papeete. The victims were said to have been arrested at the headquarters of the Trade Union Confederation as they were preparing a press conference. The authorities supposedly held the union responsible for a riot which had occurred on the island on 6 September, after the resumption of nuclear tests.

158. According to reports, a detachment of mobile guards burst into the premises and ordered the trade unionists to line up facing the wall. Although the unionists obeyed without resistance, some reportedly had a gun pointed at them, while others were shoved to the ground or against the board, receiving blows and even electric shocks. Then, handcuffed two-by-two, they were said to have been thrown haphazardly into a truck and taken first to the gendarmerie station of the avenue Bruat, then to a former barracks known as the quartier Broche, where they were held in police custody. During the whole time the custody lasted, which for some of the detainees was alleged to be 34 hours, they allegedly had nothing to eat or drink and had been prevented

from sleeping (with unexpected noises, howling, very loud music and TV, kicks and truncheon blows and being showered with insecticide). Attention was drawn in particular to the cases of Hirohiti Tefaarere, Jean-Michel Garrigues, Bruno Tetaria and Henri Temaititahio.

159. The Special Rapporteur also received information concerning the case of Sid Ahmed Amiri, of French and Algerian nationality, who was reportedly arrested in Marseille on 11 August 1995 by three guards of the Unité de surveillance des transports en commun (USTC) and severely beaten with truncheons. According to the report, a police patrol had taken him to hospital, where he had been treated for a broken nose and injuries to the legs and shoulders. The three guards were said to have been arrested in the course of the ensuing inquiry.

Information received from the Government concerning the cases dealt with in earlier reports

160. On 14 March 1996, the Government sent information concerning the following cases, transmitted by the Special Rapporteur on 11 November 1994.

161. Jean Fuchs and Didier Loroche were said to have been wounded by policemen during a demonstration held in Bordeaux in March 1994. According to the Government, a police officer was held for questioning on 20 March 1995 accused of violence not leading to total work incapacity exceeding eight days. The disciplinary inquiry was awaiting the court decision.

162. Pierre Congo was allegedly struck by a policeman at the Gare du Nord in Paris on 15 February 1994. According to the Government, the police inquiries conducted by the Prosecutor's Office and by the General Inspectorate of the National Police were filed.

163. Tameem Taqu was allegedly struck by policemen on 29 June 1993 in Paris. According to the Government, three police officers were questioned and suspended from duty, pending the conclusion of the inquiry. In addition, the State and one police officer were sentenced to pay compensation.

164. Abdelkader Slimani, 16 years old, was allegedly struck by two policemen on 16 May 1994 in a neighbourhood of Paris. According to the Government, examination proceedings were opened for acts of violence by persons in a position of public authority having led to more than eight days total work incapacity. The General Inspectorate of the National Police is also conducting an inquiry.

165. Rachid Harfouche was reportedly struck by policemen on 10 December 1993 at his building in Noisy-le-Sec. According to the Government, the case is being investigated by the Court of Major Jurisdiction of Bobigny. The inquiry conducted by the General Service Inspectorate did not find that any faults had been committed by the three police officers concerned.

166. David Creygolles was allegedly submitted to ill-treatment on 10 February 1993 in Carcassone by members of the judicial police. The Government replied that this case was unknown to the competent services of the Ministry of the Interior. An investigation was being held by the judicial court.

167. Benoît Fustier was allegedly struck on 20 January 1994 in a police station in Bastia and reportedly had to be transferred to hospital. The Government replied that the case was not known to the competent services of the Ministry of the Interior. An investigation was being held by the judicial court.

Germany

168. By letter dated 6 May 1996 the Special Rapporteur transmitted the individual cases summarized below, to which the Government replied on 13 August 1996. The allegations and replies are summarized. Ali Abdulla Iraki and his brother Taha Iraki, German citizens of Lebanese descent, were reportedly beaten severely with batons by two police officers on 4 June 1994 in the Kreuzberg district of Berlin. The officers believed that they were breaking into a car that in fact belonged to Taha Iraki. Hospital medical reports indicated that Ali Abdulla Iraki sustained a fractured wrist, bruises and abrasions, while Taha Iraki suffered abrasions and cuts on his left shoulder, bruises on his back and grazed his left elbow. The Government replied that the Iraki brothers had sustained injuries, but the Public Prosecution Service could not prove with the degree of certainty necessary to secure a conviction that the accused officers had engaged in punishable conduct. The officers maintained that the degree of force used was necessary to overcome the resistance of the Iraki brothers and these claims could not be disproved by the contradictory statements of the alleged victims or by accounts supplied by their witnesses. On 1 December 1995 the Iraki brothers were indicted for insults, bodily harm and obstructing enforcement in connection with the above-described incident. Taha Iraki was acquitted of the charges and the proceedings against Ali Iraki were ongoing.

169. Binyamin Safak was told to move his car by two officers in Frankfurt on 10 April 1995. After he objected to one officer's use of a racial epithet, he was arrested. At the police station he was allegedly kicked, punched in the face, chest, head and arms and thrown by his hair head first against a wall while his hands were cuffed behind his back, as a result of which he was hospitalized for one week. A medical certificate revealed a two-centimetre cut to his lip requiring stitches, bruises on his chest, a bruised and swollen chin, bruises and abrasions on his temple and forehead, a swollen right wrist and right knee, a cracked rib and a depressed fracture of the cheekbone. The Government stated that the Public Prosecutor's office attached to Frankfurt am Main Regional Court was carrying out an investigation into the case.

170. Azad Kahn Fegir Ahmad, Noorol Hak Hakimi and Mohammed Nabie Schafie, Afghan asylum-seekers, were allegedly beaten severely by some 12 police officers wearing masks and black suits, who had stormed their residential accommodations on 6 June 1995 in Leipzig, Saxony. They had reportedly been mistakenly targeted by the police. Mohammed Nabie Schafie was hospitalized for two days and Noorol Hak Hakimi was kept in hospital for 11 days. The

Government replied that the officers had stormed the wrong residential caravan, but had apologized and offered medical treatment to the persons concerned. The offer of medical treatment had been refused. The Leipzig Public Prosecution service launched investigations against seven of the officers, but discontinued the investigation on 1 April 1996, as there was insufficient evidence that a crime had been committed. An appeal had been lodged. Proceedings regarding possible disciplinary measures against the officers had yet to be concluded. The police had held "mediation and clarification" discussions with the injured parties in Leipzig in July 1995.

171. Hidayet Secil, a Turkish national residing in Germany since 1969, was allegedly beaten severely by police officers at his apartment in Göppingen, Baden-Würtemberg, on 1 July 1995, after the officers had come in response to complaints from a neighbour about the noise level. A medical certificate issued by a hospital noted a broken nose, bruises on the upper lip and upper jaw, swelling and superficial cuts on the left arm and deep welts on the back. The Government replied that Hidayet Secil had refused to come out of the bathroom. When the officers tried to pull him out he struck out at them with his fists and feet. Three officers were injured in the dispute. The baton was needed after Hidayet Secil pushed an officer against the window, breaking the glass. The officers' use of physical force was justified by self-defence and a duty to provide assistance. An investigation into the case against the seven officers was discontinued by the Ulm Public Prosecutors Office, as there was insufficient evidence that an offence had been committed. An appeal was rejected by the Stuttgart Public Prosecutor General. An investigation was in progress into a case against Hidayet Secil for resisting law enforcement officers and causing bodily injury.

Greece

172. By letter dated 10 June 1996 the Special Rapporteur advised the Government that he had received information indicating that Nikos Gogos, detained for drug possession on 21 October 1995 in Thessaloniki, was beaten by officers of the Anti-Drug Squad. He was said to have sustained severe bruising to his face, back and legs as a result of the ill-treatment. On 30 August 1996 the Government replied that no such person had ever been detained or interrogated in the Security Division of Thessaloniki for breach of the "law on drugs".

173. The Special Rapporteur also informed the Government of a report he had received on the alleged beating with truncheons of demonstrators protesting the imprisonment of an anarchist activist in Thessaloniki on 14 November 1995. Paris Sophos, Ilias Hatziiliadis, Giannis Anagnostou and Sophia Kyritsi (aged 17) were reportedly arrested and allegedly ill-treated during their arrest and subsequent transfer to the Security Police buildings. Paris Sophos reportedly received multiple bruises and a slight head wound requiring stitches which, according to a medical report, were caused by a "blunt object designed to smash". Ilias Hatziiliadis reportedly was wounded on the head. Sophi Kyriusti underwent a neurological examination prompted by symptoms of internal head injuries including nausea, dizziness, headaches, traumatic amnesia, diplopia and loss of muscle strength in the upper extremities. In its reply of 30 August 1996 the Government stated that the Public Prosecutor had deemed necessary the preventive inspection of 100 anarchist demonstrators,

as some of them were carrying bags which could have contained weapons. The demonstrators violently attempted to prevent the inspection and, as a result of an ensuing minor clash, the aforementioned were arrested. Forensic examination revealed that they had received minor injuries, but the injuries were sustained while they had resisted lawful arrest and not from torture or ill-treatment. Nine police officers had also been slightly injured. The detainees were convicted by the First Three-Member Magistrate Court of Thessaloniki on various charges, including sedition. A preliminary examination was pending into oral complaints lodged by Ioannis Anagnostou and Elias Hatziliadis for having been injured. The findings of an administrative examination failed to establish any disciplinary or other responsibilities on the part of the General Police Division of Thessaloniki and the case had been filed.

Guatemala

174. By letter dated 11 July 1996, the Special Rapporteur informed the Government that it had received information concerning the following cases of torture which had allegedly occurred in the country, to some of which the Government replied in October 1996.

175. Obed Valladares Reyna, Secretary-General of the General Workers' Union of the Malaria Division of the Ministry of Health, was abducted in Guatemala City on 26 September and 31 October 1994 by unknown individuals suspected of belonging to security forces, who beat him severely and warned him to leave the country. In the second incident, he allegedly had several ribs broken. The Government reported that the person concerned had not lodged any complaint, so that no legal proceedings had been opened against anyone.

176. Gerson Ricardo López Orantes, journalist and university student, was abducted on 28 March 1995 by individuals suspected of belonging to security forces. Twenty-four hours later, he was found in the neighbourhood of the town of San Cristóbal, zone 8 of Mixco, department of Guatemala, suffering from the effects of some type of drug, with cigarette burns on his chest and bruises on his face, legs and arms. The kidnappers had warned him to stop his journalistic activities and to leave the country. The Government reported that the competent bodies had not received any official notification, so that no proceedings had been started since the person concerned had taken no action.

177. Flor de María Salguero, leader of the Federación Sindical de Trabajadores de la Alimentación Agro-Industrias y Similares, was said to have received anonymous threats in the early months of 1995. On 17 May 1995, two men suspected of belonging to security forces made her leave a bus on which she was travelling in the area of Mixco in Guatemala City, forcing her to drink a substance which left her semi-unconscious and leading her blindfolded to an enclosed place, where she was allegedly threatened, beaten and raped three times. The Government reported that there was no certainty, even on the part of the victim that those responsible for those acts were members of the security forces and that there was some evidence that it was a private problem and not an act attributable to the State.

178. Sonia Esmeralda Gómez Guevara, 16 years of age, was walking with a friend in Street 18, zone 1 of Guatemala City, on 5 April 1996, when three officers of the national police came up to them and said they would arrest them for being street children. When they arrived at the crossroads of Avenue 12 with Street 23 in zone 1, they were taken to a secluded place, where one of the policemen raped Sonia Esmeralda Gómez. The Government reported that the six officers who had been on surveillance duty in the sector on the day of the events had been identified, and had denied any participation in the events. As the minors had not been located, it had not been possible to organize personal identification of the authors. The investigation was still continuing.

179. Lucina Cárdenas Ramírez, of Mexican nationality, a former official of the International Labour Organization, was abducted at the end of November 1995 by individuals who intercepted her car in the locality of San Martín Sacatepéquez, Quetzaltenango. Five days later, her dead body was reportedly found, showing multiple bruising and cigarette burns. In March 1996, a member of the armed forces was allegedly accused of being involved in the events. (The Special Rapporteur on extrajudicial, summary or arbitrary executions transmitted this case to the Government on 4 June 1996.) The Government reported that two persons were under investigation as the main suspects in the case and that the Prosecutor's Office was completing its investigation proceedings to bring them to trial.

180. Otto Leonel Hernández was abducted on 21 June 1996 in Quetzaltenango by individuals suspected of belonging to security forces. Five days later, he was released, with his back covered with more than 20 cigarette burns and severely beaten. Otto Leonel Hernández is a main witness in the murder of Lucina Cárdenas Ramírez. The Government reported that there was no evidence that the perpetrators of the acts were members of the security forces, and that the investigation by the Prosecutor's Office was following its course.

Urgent appeals

181. On 25 March 1996, the Special Rapporteur, in conjunction with the Special Rapporteur on extrajudicial, summary or arbitrary executions, transmitted an urgent appeal on behalf of Vilma Cristina González, who was allegedly abducted on two occasions and subjected to various forms of torture. The Government reported that the Human Rights Unit of the Prosecutor's Office had not received any complaint concerning that case. The Criminal Investigations Unit of the National Police said they had interviewed persons who had helped Mrs. González after her release and who had stated that she had appeared at their home and very calmly had requested the use of a telephone. She did not show any visible signs of injuries and only later suffered an attack of hysteria, on which occasion she probably inflicted the scratches which appeared on her own arms and chest.

Republic of Guinea

182. On 20 February 1996, the Special Rapporteur sent an urgent appeal to the Government on behalf of Commander Kader Doumbouya, chief of the independent parachute battalion; Artillery Commander Yaya Sow and Commander Almany Seny Diallo, director of military factories. According to reports received,

these officers were arrested in Conakry on 5 February 1996 following the attempted coup on the previous day, and were held in solitary confinement at Famosy Camp. Their families had received no official notification concerning their fate. Some 20 other members of the armed forces who had been arrested were in the same situation. On 21 March 1996, the Government informed the Special Rapporteur that the three officers concerned had headed a mutiny to overthrow the legally instituted Government, which had caused several dozen deaths. It also stated that it would strictly observe the legal mechanisms applicable to all forms of behaviour and deliberate acts committed in violation of the laws and regulations of civilized nations.

Honduras

183. On 8 January 1996, the Special Rapporteur communicated to the Government that he had received information concerning the following minors: José Ismael Ulloa Flores, Ebert Rolando Boquín Zarabia, Ramón Antonio Hernández Berillos, Edwin Zepeda, Juan Benito Hernández Berillos, Rafael Martínez, Osman Antonio Cáceres Muñoz and Arnoldo Roque Rodríguez. These were part of a group of approximately 12 minors jailed in the penal farm for adults of Comayagua, who had allegedly been tortured during the month of November 1995. The torture was said to have consisted in handcuffing them and suspending them by the handcuffs without their feet touching the ground. In addition, they were reported to have been beaten. On 30 September 1996, the Government reported that criminal proceedings had been initiated against the director of the penal farm. The indictment had subsequently been extended to the guards who had taken part in the acts of aggression, and it was expected that the court would order the detention of the accused.

184. Another two cases of minors were communicated to the Government on 11 July 1996. Martha María Saire, 11 years old, residing in the Centro de Orientación de Menores of Támara in Francisco Morazán, was allegedly raped on 9 April 1994 by several soldiers of the military battalion of Támara responsible for guarding the perimeter of the establishment. On 30 September 1996, the Government reported that two members of the establishment's guard had been detained in the Central Penitentiary, and that the case was being brought to trial.

185. Mario René Enamorado Lara, 16 years of age, residing in a home of the Casa Alianza in Tegucigalpa, was arrested on 10 July 1994 by members of the first police battalion, who accused him of having stolen a watch. He was allegedly taken to the police station and severely beaten by the police officers themselves and by adult detainees with whom he had been placed. After his release, he was reportedly examined by a physician, who was said to have confirmed the signs of ill-treatment. On 30 September 1996, the Government reported that, in the light of the proceedings ordered by the Special Procurator's Office for Minors, it had been found, mainly by an appropriate medical examination, that while slight external signs caused by the minor's exertions on resisting arrest by the police were observed, these did not amount to an offence, nor gave rise to any temporary incapacity, nor represented any danger for the physical integrity of the minor.

186. Lastly, on 29 October 1996, the Special Rapporteur communicated to the Government that he had received information regarding the treatment allegedly inflicted on the following minors detained at the prison of San Pedro Sula.

187. Andrés Portillo Flores, 17 years of age, was reported to have been in the prison since May 1995. Soon after his arrival, he was said to have been raped by two adult prisoners, and subjected to constant sexual abuse for approximately one year. Although he had reportedly informed the prison authorities, the latter apparently took no action. In May 1996, another adult prisoner had allegedly wounded Andrés Portillo with a knife in cell No. 3. In addition, Andrés Portillo had reportedly been ill with dengue and had not received any medical treatment.

188. José Danilo Arriaga Quintanilla, 17 years of age, arrived at the prison in February 1996. A few weeks later, he tried to escape without success, as a result of which he was allegedly beaten by the prison director and several guards for approximately three hours. After that, he was reportedly suspended from a railing by handcuffs and in that position was said to have been beaten on the feet with a truncheon. While he was still in the same position, they allegedly introduced the extremity of a hose in his mouth and poured water through it. They then reportedly left him hanging for approximately half an hour. Despite the fact that he had experienced pains since those events had taken place, he had reportedly received no treatment, nor had been examined by a physician.

Hungary

189. On 10 June 1996 the Special Rapporteur transmitted the case of Martocean Tiberiu, a Romanian national, who was reportedly beaten all over his body by three police officers in an underground station in Moszkva Tér, Budapest, on 6 July 1995. He was treated at hospital for concussion, a broken rib and contusions on his right leg. The Government replied on 28 August 1996 that the Disciplinary Subdivision of Budapest Police Headquarters had forwarded a complaint filed by Martocean Tiberiu to the Public Prosecutor's Investigation Office for investigation. The Hungarian authorities had asked for the cooperation of their Romanian counterparts by sending to Romania photographs of possible perpetrators for identification by Martocean Tiberiu.

190. Gábor Fehér was allegedly beaten by three police officers following a traffic accident involving an off-duty police officer in Marcali on 15 July 1995. He received hospital treatment for concussion and bruises on his hands, feet and chest. He filed a complaint with the local prosecutor. According to the Government, Gábor Fehér had assaulted the off-duty officer after the officer had crashed into Gábor Fehér's car. When three other officers arrived, Gábor Fehér kicked two of them in the abdomen. The Public Prosecutor's office had terminated the proceedings initiated by Gábor Fehér for alleged ill-treatment. The Prosecutor brought an indictment against Gábor Fehér for "violence against the authorities" and the case was before the court. The officer investigating the case determined that the police measures were lawful but unprofessional and that other coercive measure would have avoided "violence against the authorities".

191. Marius Carniciu, a Romanian national, and Gianfranco Polidori, an Italian national, were stopped by two police officers while driving in Budapest on 11 September 1995. Marius Carniciu refused to pay a fine for not using his seat belt and took back his passport from the officers, as a result of which he was allegedly punched, kicked, handcuffed and subjected to ethnic slurs. Gianfranco Polidori was allegedly punched and slapped. Marius Carniciu received a medical certificate describing multiple lesions and bruises on his body. The Government replied that physical force had been used against Carniciu Marius Laurentu after he took back his passport from the police officers before the end of the police control procedure. Gianfranco Polidori was detained because he was not in possession of identity papers. Marius Carniciu Laurentu filed a complaint against a police officer for ill-treatment and taking his property. The commanding officer investigating the case qualified the use of coercive measures by the police as lawful and professional. The Public Prosecutor's Investigation Office of Budapest initiated proceedings for ill-treatment and other crimes, but terminated the proceedings under article 139(1/B) of the Act on Criminal Procedure.

Urgent appeals

192. The Special Rapporteur made an urgent appeal on 15 March 1996 on behalf of the following Somalian asylum-seekers: Ahmed Hashi Weheliye (age 16), Amina Mohiadin Adow (female, age 14), Sofiya Ahmad Ali (female, age 18) and Hudan Mahmoud Samatar (female, age 17). They were being detained at the international airport in Budapest and faced deportation to the Syrian Arab Republic, a country through which they had travelled en route to Europe. It was alleged that other asylum-seekers returned to the Syrian Arab Republic had been detained and subjected to torture or ill-treatment and fears had been expressed that these persons could be subjected to similar abuse.

India

193. By letter dated 16 September 1996 the Special Rapporteur transmitted six individual cases to the Government. On 7 October 1996 the Government replied to some of these cases. The allegations and replies are summarized below.

194. Mohammad Amin Shah was allegedly struck on the back and heels with an iron belt while face down with his hands tied and legs pulled apart at the Border Security Forces (BSF) camp at Karan Nagar, Srinagar, following his arrest on 29 January 1995. Thereafter he was allegedly tied to a post and beaten on the soles of his feet. He was also reportedly made to drink a large quantity of water, after which officers sat on his inflated belly, causing him to vomit. Electric shocks were also said to have been applied to his arms and feet. He was allegedly tortured further at Shergarhi police station and forced to sleep on a cold cement floor, which caused his feet and legs to swell. He was reportedly denied medical treatment and both feet had to be amputated as a result of gangrene after his release. The Government replied that Mohammad Amin Shah, an activist of the Jehad Force militant outfit, was already suffering from slight frostbite in the toes of both feet at the time

of his arrest and, in view of his ailment, was released after questioning. No torture had been inflicted upon him during questioning, but it was likely that he had been tortured by a rival group pressuring him to join their ranks.

195. Feroz Ahmed, reportedly arrested by the BSF on 29 November 1995 and tortured in custody, was hospitalized on 12 December 1995 with a gangrenous broken leg, acute renal failure, infected blood and multiple contusions. Although the leg had been broken for 14 days, he reportedly received no medical attention. He remained in the custody of the BSF, without access to his lawyer or family, despite the order of the High Court that the family be permitted visits. The Government replied that Feroz Ahmed Ganai, chief of the Jamiat-ul-Mujahideen group, had fractured his left leg jumping a wall to escape from custody. It was set in the BSF hospital, but complications developed. He was moved to the Bone and Joint Hospital, where the leg was amputated.

196. Navjot Singh, alias Dunnu, reportedly detained on 17 September 1995 in Mohali, was allegedly tortured in custody, including by means of electric shocks to sensitive organs. Although on 19 September 1995 the magistrate requested that he be placed in judicial remand, the Central Bureau of Investigation (CBI), without the permission of the magistrate, reportedly transferred him to Delhi, where he was allegedly ill-treated again.

197. Ramakrishna Reddy and a co-worker identified as Mr. Srirmulu were reportedly detained in Madanpalla, Chitoor district, Andra Pradesh, on 4 April 1996, after two home-made bombs were discovered in their lockers. They were allegedly beaten in the factory by two subinspectors before being taken to the Taluk police station, where they were allegedly kicked and beaten with lathis (wooden poles) and rifle butts. Ramakrishna Reddy died the same evening. An inquest by the Revenue Divisional Officer reportedly concluded that the death had resulted from torture. The Government of the State of Andra Pradesh paid his widow Rs 100 in compensation for the death and the Chief Minister reportedly delivered a written apology to her. The Government replied that a post-mortem had been conducted, but the final opinion on the cause of death was still pending. The magisterial inquiry was still in progress.

198. Jagjit Singh Chohan, an Indian national from Punjab and 17-year resident of the United Kingdom, disembarked in Delhi for medical treatment from his flight from the United Kingdom to Thailand. In Delhi, as he was to be taken to the ambulance, some 20 police personnel allegedly beat him with fists, slaps, kicks and a leather belt. They also allegedly dragged him along the concrete floor, twisted his ankles and squeezed his testicles. He was subsequently returned to London via Bangkok. A doctor examining him upon his return diagnosed multiple injuries and concluded that they were consistent with his account of ill-treatment. The ill-treatment had apparently occurred because of his prior political activities, for which he had been prohibited from entering India.

199. The Special Rapporteur also transmitted to the Government a summary of comments he had received from the source of the information with respect to the previously transmitted cases of Massom Ali, Kuldip Singh, Abdul Kareem, Amarjit Singh, Satish Kumar, Mantosh Karmakar, Muniyandi, Safiq Rehman,

Suresh, Hasan Bundu, Rajesh Singhal, Shankerlal Soni, Manoj Kumar, Purushottam Kumar, Hari Biswakarma, Romancel Deep, Sobejan Bibi, Dulai Ghorai, Fayaz Ahmad Magloo and Raju Bhujel. With respect to a number of these cases, the source expressed concern that little progress seemed to have been made in investigations or judicial proceedings despite the substantial periods of time that had elapsed since the alleged incidents of torture.

Information received from the Government on cases included in previous reports

200. On 7 October 1996, the Government transmitted the replies summarized below.

201. On 10 October 1994, the Special Rapporteur transmitted the case of Ganesh Bauri, who had died after allegedly being tortured in West Bengal on 5 July 1993 (see E/CN.4/1995/34, para. 356). The Government replied that the medical officer who examined Ganesh Bauri found no external marks of injury, but did find him to be suffering from internal injuries. He was given emergency treatment in jail. His death was due to either physical stress, prolonged fasting or reasons associated with his disease. The post-mortem had not found any evidence of torture.

202. On 11 April 1995 the Special Rapporteur transmitted the case of Ghulam Mohammad Dar, who had allegedly been tortured at an army camp in Khannabal on 26 April 1994 (see E/CN.4/1996/35/Add. 1, para. 252). The Government replied that an inquiry by the superintendent of Pulwama Police district revealed that no case had been registered in regard to the police station concerned and that there was no material evidence to establish the guilt of army personnel. The army had not conducted any cordon or search operation at the date and place in question.

203. On 11 April 1995 the Special Rapporteur transmitted the case of Ghulam Nabbi Sheikh, who was allegedly tortured on 10 May 1994 by security forces in Bugdam district, Jammu and Kashmir (see E/CN.4/1996/35/Add.1, para. 253). The Government replied that no complaint or report had been lodged by the victim or his relatives at the police station concerned and further inquiries had failed to substantiate the allegations.

204. On 22 September 1995 the Special Rapporteur transmitted the case of Nanak Chand, who was allegedly tortured and subsequently died at a police station in Palwal Haryana (E/CN.4/1996/35/Add. 1, para. 274). The Government replied that Nanak Chand had committed suicide in a police lock-up. An autopsy revealed no injuries and concluded that death had been caused by asphyxia due to hanging. The assistant subinspector (ASI) who had illegally detained him and had extracted a bribe from him was arrested and charged, but was later acquitted by a special judge, as witnesses had not supported the prosecution case. The ASI and one constable were dismissed from service for wrongful confinement and other misconduct and two other constables who were found not guilty were reinstated after a suspension. The mother and three minor children of the deceased were paid compensation.

205. On 22 September 1995 the Special Rapporteur transmitted the case of Babula Das (E/CN.4/1996/35/Add.1, para. 287), who was allegedly tortured and subsequently died at Khandagiri police station in Orissa. The Government

replied that he had sustained external injuries while trying to escape from the police. At Hajat police station he complained of severe chest pain and was immediately given medical attention, but he became unconscious and died. An inquiry failed to find any evidence of torture by the police and the post mortem determined that his death had been due to cardiac failure resulting from heart disease. There were some external marks on his body, but the injuries would not have been sufficient to have caused death in the normal course of events. Two suspended police officers were found innocent, as a police inquiry had failed to reveal excesses by the police. A payment was made to the family of the deceased.

206. On 22 September 1995, the Special Rapporteur transmitted the case of Balwinder Singh, who was allegedly tortured to death at Gurdaspur police station in Punjab (E/CN.4/1996/35/Add.1, para. 288). The Government replied that he had never been arrested nor detained at Gurdaspur police station, as he was not wanted in any case in the district.

Urgent appeals transmitted and replies received

207. On 5 January 1996 the Special Rapporteur transmitted an urgent appeal on behalf of Syed Sad Uddin Gilani, aged 70, and Syed Jaffer Shah Gilani, aged 65, the father and uncle respectively of Syed Nazir Gilani, the representative to the United Nations of the non-governmental organization World Society of Victimology. They were reportedly arrested on 19 December 1995 and were being held at the interrogation centre for the Assam Rashtriya Rifles in Jammu and Kashmir, allegedly in connection with the human rights activities of Syed Nazir Gilani. It was also alleged that Syed Nazir Gilani's brother, Syed Shabbir Ahmad Gilani, had been tortured in custody before being released. On 22 January 1996 the Government replied that Syed Sad Uddin Gilani and Syed Jaffer Shah Gilani had been detained on suspicion of harbouring militants and having an arms dump in their orchards. They had been charged and released on bail on 4 January 1996.

208. The Special Rapporteur sent an urgent appeal on 25 March 1996 on behalf of some 180 Bhutanese people residing in refugee camps in eastern Nepal, who were arrested in Jalpaiguri district, West Bengal, by Indian police on 19 March 1996. They had been participating in a march through India to Bhutan to publicize the plight of the Bhutanese people in the refugee camps. During their arrest, many of the refugees were allegedly kicked and beaten, as a result of which 10 persons sustained serious injuries, including one who was left in serious condition. On 11 April 1996 the Government replied that because it feared a breach of the peace resulting from planned marches, the administration of Jalapaiguri and Darjeeling districts had promulgated orders prohibiting all gatherings of over four persons in certain border areas with effect from 3 January 1996. As the group of 188 Bhutanese refugees had proceeded towards Jalpaiguru district headquarters, they were arrested. They resisted arrest, and mild - not excessive - force was used to restrain them. Any apprehension regarding their ill-treatment in custody was unwarranted. The detainees were being held in Jalpaiguru jail under judicial custody.

Indonesia

209. By letter dated 11 July 1996, the Special Rapporteur transmitted to the Government a number of cases of alleged torture, to which the Government, in a letter dated 20 October 1996, provided replies as summarized in the following paragraphs.

210. Some 150 villagers from West Jakarta were reportedly stopped by military and police officers in January 1995 while en route to present a claim against a land appropriation to the Indonesia Administrative Court. Twenty persons were detained for questioning, 10 of whom were transferred to the military intelligence unit. One of the detainees, whose identity was withheld for fear of reprisals, was allegedly slapped, kicked, subjected to electric shocks and threatened with rape. She was said to have heard the screams of the other detainees being tortured. The Government replied that no plaintiffs in the land dispute case nor any of the demonstrators had been taken into custody, tortured or ill-treated.

211. Sutarjinah, a woman detained at Wirogunan prison, Yogyakarta, was reportedly struck by a prison guard in March 1994. She was subsequently transferred to an isolation cell for 24 hours, allegedly without medical treatment, and was later discovered semi-conscious and vomiting in the cell. The Government replied that she had been arrested in January 1994 on charges of embezzlement and had been detained in a cell specifically designed for women. During her detention she had been visited by her family and a local lawyer and had not been tortured or ill-treated as alleged.

212. João da Araoujo, reportedly detained on 20 March 1995 in Dili, East Timor, in connection with demonstrations which had occurred in November 1994, was allegedly subjected to torture at the premises of the military intelligence unit, SGI. The torture was said to include severe beatings, which left him unable to breathe properly. The Government replied that João de Araujo, a staff member of the provincial government of East Timor who had prepared the visit of an Australian priest to East Timor in November 1994, had not been connected to any criminal activities nor to any other acts that would warrant his arrest.

213. Bobby Xavier was reportedly arrested on 26 December 1994 and detained at SGI premises in Dili. He was allegedly subjected to electric shocks through wires attached to his ears, neck, hands and feet, cut on the forehead with a razor blade and beaten until he lost consciousness. The Government replied that Bobby Xavier was a member of the armed separatist movement convicted in connection with a murder in 1992. He could not have been arrested and tortured on the date alleged, since he was already serving his term of imprisonment at that time.

214. Valente da Cruz, an ex-Subdistrict head, José Velho, Odengo, Delfim, Martinho Lima, João da Costa, Domingos da Cruz, Domingos Berquelho and Almarrindo were reportedly detained by members of the SGI on 10 November 1995 in the village of Leohat, Soibada, Manatuto district. They were allegedly held in isolation and subjected to beatings, including with iron bars, and electric shocks. The Government replied that Valente da Cruz and José Velho had never been detained, tortured or ill-treated and had in fact helped

the local authorities prepare for a visit from an Australian priest to Leohat village. Dlfino Calaste ("Delfim"), Odeno de Jesus ("Odengo"), Martinho de Lima, João da Costa, Domingos da Cruz, Dominggus Berguhlo and Armarrindo were arrested on 13 November 1995 at a house owned by a member of the armed separatist movement. The police did not find enough evidence during the interrogation to prove that the detainees had owned, used or known about the weapons found at the house. They were accordingly released. They had not been tortured or ill-treated during their arrest or interrogation, which a lawyer had attended.

215. The Special Rapporteur provided the Government with follow-up information to the urgent appeal he had transmitted on 11 January 1995 on behalf of José Antonio Belo, who was allegedly beaten in detention in Dili on 9 January 1995. According to the reply of the Government of 16 January 1995, he had not been beaten or otherwise ill-treated or tortured. A subsequent report received from the source of the information alleged that José Antonio Belo was tied up and hung upside down overnight and then beaten with sticks and wires and subjected to electric shocks and forced to sign statements. He was reportedly sentenced by the Dili District Court on 8 May to 18 months' imprisonment after his conviction on charges of "expressing hostility to the Government". The Government replied that the challenge of its previous clarification that José Antonio Belo had not been tortured or ill-treated was disturbing. An official clarification regarding a detainee, whose well-being had also been confirmed by the International Committee of the Red Cross (ICRC), should be received with greater credibility than an allegation launched by anti-Indonesian elements residing in Western Europe.

Information received from the Government with respect to cases mentioned in previous reports

216. In his letter of 11 July 1996 the Special Rapporteur reminded the Government of allegations he had transmitted on 4 July 1994 and 19 May 1995 regarding which no replies had been received (see E/CN.4/1995/344, paras. 381-391 and E/CN.4/1996/35/Add.1, paras. 344-352). On 20 October 1996, the Government replied to these cases, as summarized in the paragraphs below.

217. Riswan Lubis, an independent trade union leader allegedly beaten following his arrest in Medan in April 1994. The Government reported that he had been treated well and all of his rights to due process of law had been guaranteed. In May 1995 he completed an eight-month term of imprisonment for inciting mass unrest. He subsequently stated in an interview with the media that he had not been subjected to ill-treatment during his detention.

218. Sukiman (alias Yusuf), a labour activist allegedly tortured by police in Medan on 1 March 1994. The Government reported that his name was in fact Sulaiman Yusuf and he had been involved in labour negotiations with Industri Karet Deli. During the negotiations none of the labour activists, including Sulaiman Yusuf, had been subjected to pressure, torture or ill-treatment.

219. Marsinah, a labour activist allegedly tortured and killed in May 1993. The Government reported that the military officers who had committed violations of the Indonesian Criminal Code as well the Military Code were convicted by a court of law, sentenced to a six-year prison term and relieved

of their military duties. The civilian defendants were released because their testimonies had been made under duress. The officers in charge of the investigation were brought to the court.

220. Edo, Effendi Saman, Eli, Este Adi, Hadi Ciptono, Irwan, Semsar Siahaan, Yudhi and W. S. Rendra, allegedly detained and beaten by police in Jakarta on 27 June 1994 following demonstrations against the banning of three news magazines. According to the Government, no arrests, beatings, torture or ill-treatment had taken place.

221. Junyonto, aged nine, and his parents, Dasmen and Sudarmo, allegedly tortured at the police station in Indramayu, West Java. According to the Government, Junyonto and a friend had been caught in the act of pick-pocketing and the court had decided that he should be returned to his parents. Neither he nor his parents had been tortured or ill-treated, although his accomplice had suffered minor injuries while resisting arrest.

222. Sapto Rahardjo, Yulianto Bernady, Thomas Henry Kurniawanto and Ellyasa Budianto, labour activists allegedly tortured or ill-treated in custody by military officials in Jakarta in September 1994. The Government reported that they had not been detained, tortured or ill-treated.

223. With respect to allegations of widespread instances of incommunicado detention in East Timor, the Government noted that the ICRC had unrestricted access to places of detention and provided the replies to the individual cases summarized below.

224. Salvador Sarmento, a student allegedly tortured nearly to death by police in Dili on 4 January 1994. The Government replied that he had been arrested on subversion charges on 7 February 1994, but the police had concluded that he was not involved in subversive activities or acts endangering public security. He was released the following day, having been visited by the ICRC during and after his detention. He was never tortured or ill-treated.

225. Benevides Correia Barros and Francisco Almeida Godinho, allegedly tortured by soldiers after they were observed taking photographs in a field in Maliana. The Government reported that they had been arrested by the police, not the SGI, on 15 October 1993 in Baucau. Francisco Almeida Godinho's name was actually Franciso Almeida Santos. They were charged with taking photographs of a military installation and were sentenced to two months' imprisonment. They were not tortured or ill-treated.

226. Adelino Gomes Fonseca reportedly died as a result of beatings following his arrest in Baucau on 24 December 1992. According to the Government, he had been a member of the separatist movement in East Timor and had died in an exchange of fire with security forces in eastern East Timor in late November 1992.

227. Fernando Boavida, allegedly tortured to death in Baucau between 24 and 27 December 1992. According to the Government, he had been one of a number of members of the clandestine movement who had surrendered following

the arrest of Xanana Gusmão in November 1992. Many of these persons, including Fernando Boadvido, were subsequently given amnesty. Fernando Boavida was not dead, but was living as a farmer in southern East Timor.

228. With respect to the case of Fernando de Araujo, which was transmitted to the Special Rapporteur by the Working Group on Arbitrary Detention following the Working Group's decision that he had been arbitrarily detained, the Government stated that he had been visited by the ICRC during his detention and imprisonment and had never been tortured or otherwise ill-treated.

229. Amarão dos Santos, identified as the village head of Haupu, Letefoho, Ermera, East Timor, was allegedly beaten severely by military officers in January 1994. According to the Government, his name was actually Amaral dos Santos and he was in fact an East Timorese policeman and the relative of the traditional leader of Haupu. The allegations that he had been beaten by the military were uncorroborated and clearly made no sense for "obvious reasons".

230. Mateus Alfonso, allegedly arrested by soldiers in Taci Tolu on 23 July 1994 and subsequently beaten publicly. The Government reported that he had been arrested on 24 July 1994 and released a few hours later and that he had been provided with a lawyer during interrogation. He was never tortured or ill-treated.

231. Domingas da Silva, allegedly beaten severely by plainclothes officers following a demonstration in Dili, East Timor, in November 1994. The Government reported that he had in fact been beaten by anti-integration elements, as he had been a supporter of integration.

232. Hendrique Belmiro da Costa, allegedly tortured by military intelligence officials in Dili in November 1994. The Government reported that following a demonstration, he had served a prison term on charges relating to armed separatism from 1984 to 1989 and had not been arrested again since that time.

Urgent appeals sent and replies received

233. Martinho Pereira was reportedly arrested on 4 December 1995 by military personnel in Surabaya, East Java, in connection with demonstrations by a number of East Timorese persons at several foreign embassies. In addition, 32 persons who had staged a protest at the Dutch Embassy on 7 December 1996 were said to have been arrested (21 December 1995). On 10 January 1996 the Government replied that Martinho Pereira had been arrested on 3 December 1995 on charges of fund-raising for an armed separatist group and had been released for lack of evidence on 3 January 1996. During questioning he was not tortured or ill-treated. With respect to the 32 persons allegedly arrested at the Dutch Embassy, they had left the embassy voluntarily and the Government had not taken any action against them.

234. Jerry Kogoya, Edison Murip, Fidelis Songgohau, Arsinus Murip, Otto Dianal, Tinus Waker and Juaringgo Kogoya were reportedly arrested on 10 March 1996 in Irian Jaya in connection with riots which had broken out in Tembagapura and had spread to neighbouring towns (15 March 1996). On 30 March 1996 the Government replied that the above-mentioned persons had been

released after questioning and that two of them had flown to Jakarta to meet with the State Minister for National Development Planning to express their grievances. None had been tortured or ill-treated.

235. Between 20 and 50 persons were reportedly arrested near Jayapura, Irian Jaya, on 18 March 1996, in the wake of rioting which broke out following the arrival at Jayapura airport of the body of Dr. Thomas Wainggai, who had died in Cipinmang prison, Jakarta during the previous week. Some of the detainees were allegedly beaten upon arrest (20 March 1996). On 26 April 1996 the Government replied that Thomas Wainggai, who had been serving a 20-year prison term for proclaiming Irian Jaya an independent Melanesian State in 1988, had died on the way to hospital of a heart attack, as confirmed by an ICRC representative. Local students and youths who had congregated to pay their last respects in Abepua near Jayapura airport had defied calls from the security units to observe law and order and had started to smash cars and set buildings on fire. A number of arrests were made and all but 39 arrested persons were released. The persons remaining in detention would be brought to justice in accordance with the principles of due process of law and equality before the law of all citizens.

236. An urgent appeal was made in conjunction with the Special Rapporteur on freedom of opinion and expression and the Special Rapporteur on extrajudicial, summary or arbitrary execution concerning a confrontation between university students protesting a rise in transport fares and military personnel, which had reportedly broken out in Ujung Padang, Sulawesi, on 22 April 1996. On 24 April 1996 some 212 students and security force members were apparently wounded. A number of demonstrators had reportedly been shot and three students, Andi Sultan, Syaiful and Adnan, died, allegedly after being subjected to severe beatings. A number of students were reported to be in custody, including some at District Military Command (KODIM) in Ujung Pandang (26 April 1996). On 10 May 1996 the Government replied that on 22 and 23 April the demonstration by the students had been peaceful, but after the Association of Public Transport Drivers commenced a counter-demonstration to call for higher fares on 24 April, a confrontation broke out between the two groups. Buses, vans, houses and offices in the areas were destroyed and innocent bystanders were attacked and injured by uncontrolled and aggressive students. In attempting to restore public order, the security forces used rubber bullets, tear gas, water cannons and other standard instruments, but not live ammunition. The three persons who died, whose correct names were Syaiful Bya, Andi Sultan Iskandar and Tarif, had drowned after jumping into the Pampang river in the ensuing chaos. Those involved in criminal acts had been arrested, but had not been subjected to any ill-treatment whatsoever. The VIIth Military District Command appointed an investigation team. Three senior officers and nine privates were to face military court in this regard in May 1996. The Chief of Staff for Political Affairs of the Armed Forces had publicly stated that the incident was regrettable and should never have happened and the officers responsible for mishandling the demonstration would be brought to justice. The National Commission, in its preliminary investigation, had stated to the press that it regretted the incident and that there were indications of possible irresponsible conduct by the security officers.

237. An urgent appeal was made in conjunction with the Chairman of the Working Group on Arbitrary Detention on behalf of a number of persons reportedly arrested by police in Baucau, East Timor, since 10 June 1996, when disturbances broke out in connection with religious tensions between the Roman Catholics and Muslim communities. A number of youths had reportedly thrown stones at members of the security forces and, in response, the security forces allegedly fired on the youths. Subsequently, the security forces were reported to have conducted house-to-house searches in the area (13 June 1996). On 19 June 1996 the Government replied that a group of rampaging East Timorese had beaten up vendors and bystanders and set fire to and looted shops. A police officer had been stabbed and two others had been severely injured. Thirteen rioters caught with weapons had been arrested. Their safety in custody had been protected and due process of law had been guaranteed.

238. The following persons were reportedly detained in connection with disturbances which occurred in the context of the operations by the security forces at the Indonesian Democratic Party (PDI) office in Jakarta on 27 July 1996: Hendrik Didson Sirait, Lisa Febrianti, Trio Yohanus Mulyato, Zainal Abidin, I Sunarman Purwosaputro, Patriatno Tintin, Agus Sukarmanto and Syamsul Bachri, Coen Hussein Pontoh, Dita Sari Mohammad Shaleh. In an unrelated context, Nivio Sarmento was reportedly arrested by members of the SGI on 23 July 1996 in Dili, East Timor and was interrogated at SGI headquarters before being transferred to police headquarters (POLWIL) in Comoro, Dili (9 August 1996). On 20 September 1996 the Government replied that there had been no operations by the security forces on 27 July 1996. In fighting between the Suryadi and Megawati faction at the PDI premises, the police had not conducted operations against the PDI office, but rather had localized the fighting. Hendrik Dikson Sirait was arrested on 27 July 1996 by the police while engaged in violent activities; Lisa Febrianti was arrested on 3 August 1996 on charges of involvement in a violent demonstration in East Java on 8-9 July 1996; Trio Yoanes Mulyate Marpaung was arrested on 5 August 1996 and detained by the police for involvement in the illegal activities of the so-called People's Democratic Party (PRD); Zainal Abidin was arrested on 7 August 1996 for involvement in organizing a violent demonstration in East Java and several other incidents; Agus Sukarmoanto was never arrested nor detained in Solo; Syamsul Bachri was detained by police on 4 August in Jakarta on charges of involvement in the illegal activities of PRD; Coen Hussein Pontoh, Ditah Indah Sari And Soleh were detained on 9 July 1996 for their initiative in organizing a violent demonstration in East Java. Their rights to due process were guaranteed, they were represented by lawyers and were treated humanely. Nivio Sarmento was a civil servant of the provincial government of East Timor and was never arrested or detained by the police or other security forces.

239. Suwingo was reportedly arrested in Jakarta on 3 September 1996 because of his alleged connections with the unofficial PRD political group. His whereabouts were unknown, but it was believed that he might be held in military custody (9 September 1996).

240. Nia Damayanti and Bulan, both female students said to be PRD members, were reportedly being held incommunicado along with a third student by the Regional Coordinating Agency for the Maintenance of National Stability (Bakorstanasda) in Surabaya (23 September 1996).

241. Azito Freitas, a student from Ossoluga in Samalari, Baucau district, East Timor, was reportedly arrested on 28 October 1996 on suspicion of involvement in the killing of Juliao Fragao, a military commander. He was said to have been tortured while under interrogation at Baucau police station, as a result of which he suffered a broken arm. On 20 November 1996 the Government replied that law enforcement officials had not detained, arrested or ill-treated Azito Freitas (8 November 1996).

Iran (Islamic Republic of)

242. By letter dated 16 September 1996 the Special Rapporteur referred the Government to the urgent appeals he had made on 24 November 1995 and 25 January 1996 (see below) on behalf of a number of detained supporters of the Grand Ayatollah Shirazi. According to information he subsequently received, four additional supporters of the Grand Ayatollah had been detained and most, if not all, of these and the previously detained persons had been subjected to torture. The methods of torture allegedly used included beatings on the soles of the feet and beating the head with cables; burns, including with cigarettes, sometimes to the tips of the fingers; prolonged enforced standing, sometimes on one leg; detention in extremely confined spaces; suspension by the hands, ankles or other body parts, sometimes from a rotating ceiling fan; application of electric shocks; exposure to severe cold for long periods; plucking of the hair; shackling the arms in painful positions; and prolonged sleep deprivation. A number of the detainees have reportedly since been released. The detainees were identified as follows: Hojjatoleslam val muslimin Mohammad Taqi al-Dhakeri; Hojjatoleslam val muslimin 'Abdolrahman al-Ha'eri (since released); Hojjatoleslam val muslimin Sayed 'Abdolrasul al-Musawi (since released); Hajjatoleslam val muslimin Sayed Morteza Shirazi; Hojjatoleslam val muslimin Ja'far Ghani al-Ha'eri (since released); Hojjatoleslam Taleb al-Salehi; Hojjatoleslam Mohammad Fazel Mohammad al-Saffar; Hojjatoleslam Mohammad 'Ali Ma'ash (since released); Hojjatoleslam Mohammad Saleh Hedayati; Hojjatoleslam Sayed Abbas Musawi (since released); Sighatoleslam Fu'ad Fujian; Mohammad al-Ghaffari; Hadi al-Akhound al-Dhakeri; Iyad Fujian (since released); Ahmad Akhound (since released); Jalal Akhound (since released); Hojjatoleslam val muslimin Sayed Mehdi Shirazi (reportedly arrested on 19 June 1996 while driving from Qom to Tehran); Ali al-Rumaythi (reportedly arrested on 19 June 1996 in Qom); Sheikh Hossein al-Dhakeri (reportedly arrested on 20 June 1996 in Qom; since released); Hojjatoleslam Sheikh Azizollah Hassani (reportedly arrested on 20 or 21 June 1996 in Tehran; since released).

Urgent appeals transmitted

243. On 25 January 1996 the Special Rapporteur transmitted an urgent appeal on behalf of a number of followers of Grand Ayatollah Shirazi who had reportedly been arrested by the security forces, some of whom had been the subject of a previous appeal on 30 November 1995 (see E/CN.4/1996/35/Add.1, para. 365). According to further information received by the Special Rapporteur, two of the detainees, Sayed Morteza Shirazi and Mohammad al-Ghaffari, were allegedly tortured in custody and Mohammad al-Ghaffari was hospitalised for internal bleeding. In addition, the following additional followers of Grand Ayatollah Shirazi were arrested:

Hojjatoleslam val muslimin Ja'far Ghani al-Ha'eri (arrested 30 September 1995); Hojjatoleslam Mohammad Saleh Hedayati (arrested in Qom 17 October 1995); Hojjatoleslam Sayed Abbas Musawi (arrested in Qom on 6 December 1996); and Ahmad Akhound and Jalal Akhound (both arrested in Tehran in early January 1996). All of these persons, as well as the persons named in the appeal of 30 November, were said to remain in incommunicado detention at an unknown location.

244. On 7 February 1996 the Special Rapporteur made an urgent appeal on behalf of Abbas Maroufi, editor of the magazine Gardoon, who had reportedly been sentenced between 22 and 26 January 1996 to six months' imprisonment and 35 lashes for "publishing lies", insulting the former leader of the Islamic Republic and publishing poems considered immoral.

245. On 6 May 1996 the Special Rapporteur transmitted an urgent appeal in conjunction with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of Mehrdad Kavoussi, a member of the People's Mojahedin Organization of Iran, who had sought asylum in Turkey. He was reportedly arrested by Turkish police in Agri, Turkey, on 30 April 1996, while accompanied by a lawyer from the Office of the United Nations High Commissioner for Refugees who was to assist him to register as an asylum seeker. He was forcibly returned to Iran on the same day. It was alleged that he had previously been imprisoned and tortured in Iran for his political activities.

246. On 6 August 1996 the Special Rapporteur transmitted an urgent appeal in conjunction with the Special Representative on the situation of human rights in the Islamic Republic of Iran concerning the reported resumption of amputations as punishment for certain criminal offences. The State Prosecutor had reportedly announced on 25 July 1996 that amputations for theft were to be resumed in order to stem rising levels of crime. Under the new policy, persons so punished would have four fingers amputated on the right hand for a first offence and those convicted of a second theft offence would have the toes of the left foot amputated. Shortly after the announcement by the State Prosecutor, amputations of the fingers were allegedly carried out in Tehran upon six persons who had more than one theft conviction. A number of other convicted thieves had reportedly been taken from prison to witness the amputations. The Special Representative and the Special Rapporteur appealed to the Government to ensure that no further amputations or other corporal punishment was carried out against persons convicted of criminal offences.

Israel

247. By letter dated 11 July 1996 the Special Rapporteur advised the Government that he had received information on the cases of alleged torture summarized in the paragraphs below.

248. Fadi Abu-Meizar, a 14-year-old reportedly arrested in Wadi Joz on 29 March 1994, was allegedly slapped and punched repeatedly, threatened with rape, denied food, and prevented from relieving himself, over the course of two days' interrogation at the Russian Compound in Jerusalem. The ill-treatment was reportedly inflicted so that he would confess to having set cars afire, an allegation that he had denied.

249. Fadi 'Abdallah Sa'id Saffi, a resident of Jalazon Refugee Camp, Ramallah, was reportedly arrested by General Security Service (GSS) officers on 4 May 1994. He was allegedly stamped upon and hit on the head with a rifle by soldiers in the military vehicle on the way to Ramallah prison. Over the next 14 days, he was allegedly interrogated under torture, which included being forced to sit almost constantly on an exceedingly small wooden chair while his hands and legs were cuffed (shabeh); being deprived of food and water; being exposed to continuous loud music; being placed in a small closet; and receiving threats that family members would be arrested, that he would be raped and that his house would be demolished. After allegedly being beaten on the head with a shoe, he agreed to make a confession. After spending 10 months in al-Far'a prison, he was sentenced to five years' imprisonment, with three years and two months suspended.

250. Mahdi Muhammad Husein Suleiman Shakrour was reportedly arrested in Hawara, Nablus, by soldiers on 18 May 1994. At an interrogation centre in Tulkarem he was allegedly subjected to torture to get him to confess to membership of Hamas, including repeated beatings all over the body, kicks to the testicles, and sleep deprivation. After he confessed to throwing stones, his interrogators asked him to give them the names of other persons allegedly involved. His detention was extended by the court for 30 days, after which he was allegedly subjected to further torture, including having his testicles squeezed repeatedly and beatings, which caused him to faint. After 19 days he reportedly agreed to sign a document in Hebrew, which he could not read. He was subsequently sentenced to a period of imprisonment based on his confession of having thrown stones.

251. Muhammad Mahmoud Ibrahim Shafoud, aged 15, was reportedly arrested on 23 April 1995 at his home near a refugee camp in Bethlehem, under accusation of throwing stones. He was allegedly beaten all over his head and his body, causing him to bleed from the ear. He was released after eight days.

252. Fa'ed 'Atef Yunis 'Awashra was allegedly beaten all over his body by six soldiers with hands, rifle butts and sticks in Ramallah on 29 June 1995. At the military compound in Ramallah he was accused of participating in demonstrations and throwing stones. He was allegedly handcuffed, blindfolded and hooded with a foul-smelling cloth and his feet were tied to the legs of a small chair. He was left in that position for a number of hours. He was subsequently taken to a building in Bethlehem, where he was reportedly beaten severely on the legs and arms, his head was repeatedly slammed against a wall and he was subjected to mock executions with a rope and threatened with death. He was released on 19 October 1995.

253. Ghassan Badran Bader Jaber, a 12-year-old reportedly detained by soldiers on 29 September 1995 in Hebron under accusation of having set up road blocks, was allegedly beaten with an object on the back and neck at the Bab-al Zawy military checkpoint. He was taken to a garage area, where he was allegedly punched and kicked repeatedly all over the body by soldiers and a number of civilians, whom he believed to be Israeli settlers. He was treated at hospital for injuries to his neck, back, thighs, nose and head. The charges against him were eventually withdrawn.

254. Abdel Rahman Abdel Ahmar, reportedly arrested in Bethlehem in November 1995 in connection with alleged activities of the Popular Front for the Liberation of Palestine (PFLP), was transferred from Meggido prison to the Russian Compound on 15 February 1996, where he was allegedly tortured during 20 days of incommunicado detention. The torture was said to include: tight shackling, causing him to lose sensation in his fingers; hooding with a heavy sack; being chained to a very small chair at an awkward angle so as to create extreme pressure to his stomach and lower back and causing him to vomit several times per day; prolonged enforced standing while chained to objects; exposure to extremely cold air; intensive and repeated shaking of the head, causing him to lose consciousness; allowing him to sleep only every fourth day for two to four hours; and death threats. On 21 March, a judge refused the request of his lawyer to order a halt to the torture. He was subsequently held in a very small cell for the next two weeks and allegedly exposed to harsh light and loud music. Despite severe back pain and vomiting, he was given some pills by the prison doctors, rather than a medical examination. A complaint filed by his lawyer to the police investigation branch regarding his torture was said to have gone unanswered.

255. Bassem Nairuch, reportedly arrested in Hebron on 4 March 1996, was held incommunicado at the Sharon detention facility and the Kishon facility until 31 March. At the Sharon facility, he was allegedly subjected to tight shackling of his hands and feet, which restricted his circulation; beatings all over the body, including the genital area; and severe shaking of his head. He was reportedly denied necessary medical attention for what he suspected was a broken bone in his finger. Bassem Nairuch was later transferred to administrative detention in Meggido prison.

256. Ma'i Adnan Abu Tabaneh, reportedly detained incommunicado for at least 19 days in Ashkelon prison during March 1996, was allegedly subjected to a number of sessions of shaking and forced to sit in painful positions on 11 March.

257. Walid Karageh was allegedly subjected to interrogation under torture at Shikma prison from 4 April to 14 May 1996. The torture was said to include shabeh and long periods of sleep deprivation.

258. Raad Sunuqrut was reportedly arrested on 14 March 1996 in Hebron. During his interrogation through 5 April at Kishon detention centre, he was allegedly subjected to shabeh; hooding; exposure to loud music; exposure to very cold air; tight handcuffing, which constricted the circulation in his wrist; sleep deprivation; and shaking. As a result of the torture, he reportedly suffered from headaches and infections in his knees, gums and jaw. His lawyer filed a complaint with the Justice Ministry against his treatment, but the results of the investigation were unknown.

259. Muhamad Mujahed was reportedly detained on 11 April 1996 in Hebron. At the Sharon detention centre he was allegedly hooded and forced to sit on a low stool with his hands cuffed behind his back, so as to create great pressure on his spine. He was also reportedly subjected to sleep deprivation, constant loud music and threats that he would be left crippled and that his family

would be deported and his house demolished. Two other detainees held in Sarong detention centre with Muhammad Mujahed, Ashraf Abu Markiyeh and Eyad Mujahed, were also reported to have undergone similar abuse.

Information received from the Government on cases appearing in previous reports

260. By letter dated 11 November 1996 the Government replied to the cases that the Special Rapporteur had transmitted on 14 July 1995 (see E/CN.4/1996/35/Add.1, paras. 388-94). The replies are summarized in the paragraphs below.

261. With respect to Muhammad Ya'qub 'Abd al-Qder a-Nubani, who was allegedly tortured under GSS interrogation in Ramallah in April 1993, his lawyer had made several complaints about his client's treatment to a judge at a hearing on 23 May 1993 and the judge had ordered that he be examined by a doctor and given the opportunity to rest and bathe. In response to an inquiry by an Israeli Knesset (Parliament) member, the State Attorney's Office had investigated the case and determined that the alleged victim's interrogation had been carried out according to the legal guidelines prohibiting all forms of torture and maltreatment. When he had been questioned during the review of his case, he had complained of neither the interrogation methods, his medical care nor prison conditions and had stated that his health had improved since the start of his internment. He also said he had not been subjected to humiliating treatment. He had been suffering from back pains prior to his arrest and had been examined by a doctor at his request 10 times.

262. With respect to 'Abd a-Nasser 'Ali 'Issa 'Ubeid, who was allegedly tortured by the GSS at the Russian Compound in Jerusalem following his arrest on 30 August 1993, his complaint of ill-treatment had been forwarded to the police, who were in the process of investigating it.

263. With respect to al-Abd a-Nasser Isma'il Hussein al-Qaysi, who was allegedly tortured by the GSS in Ramallah following his arrest on 10 August 1994, extensive efforts had been made to trace him, but no record existed of his having been arrested by the GSS.

264. With respect to Amjad Zeghayer, who was reportedly tortured in Ramallah prison following his arrest on 12 August 1994, his solicitor had complained before a judge at the Magistrate's Court about the treatment he had been subjected to during questioning. The Special Department for the Investigations of Police Misconduct had thoroughly investigated the complaint. The file was closed on 13 November 1994 because the findings did not indicate any basis upon which action should be taken against those involved in the detainee's interrogation.

265. With respect to Hamed As'ad Hamed al-Kuni, a 17-year-old allegedly tortured in Nablus prison following his arrest on 24 October 1994, the complaint submitted to the Attorney General by his lawyer was thoroughly investigated. However, the complainant failed to respond to a summons requesting him to give evidence regarding the alleged misconduct and the file was subsequently closed.

266. With respect to Ziyad al-Qawasma, who was allegedly tortured in Ramallah prison following his arrest on 13 November 1994, an investigator from the Ministry of Justice had met with him following his complaint to hear the details from him directly. He told the investigator that he had no complaints and that his interrogation had not been particularly difficult. He had no desire to cooperate with the authorities in determining whether or not his interrogators had acted within the framework of the law. The findings of the investigation did not indicate any basis upon which steps should be taken against his interrogators.

267. With respect to Abed el-Samed Harizat, who reportedly died following torture in the Russian Compound on 27 April 1995, it had been crucial to obtain information that would lead to the arrest of fellow members of the Az al-Din al-Kassam squad in Hebron and thereby save many innocent lives. Thus, the exceptional measure of shaking had been permitted to extract the vital information. The autopsy found that he had died of a subdural oedema of the brain, but no evidence was detected of beating or external trauma. It was assumed that the oedema was caused by having his shoulders shaken by one of the investigators, although it was not possible to rule out the cumulative effect of a number of shakings by other investigators. There had never previously been a case of death resulting from shaking during an interrogation and, according to expert medical opinion, the probability of death as a result of shaking was small. The State Attorney concluded that the investigators could not have foreseen the possibility of causing death, so no criminal charges were pressed. One investigator had deviated from the guidelines and he was brought before a disciplinary tribunal and reprimanded. The Attorney General subsequently ordered that shaking could only be employed in exceptional circumstances with the express permission of a senior officer in charge of GSS investigations. Additional safeguards concerning the use of shaking during particularly critical investigations were incorporated and additional supervisory measures were taken. The allegations that the deceased had been placed in a cell with five Palestinian collaborators or that he had been beaten or struck against a wall was found to be without basis.

Urgent appeals transmitted and replies received

268. 'Ala Omar Abu Ayyash, Khaldun Abu Ayyash and 'Abd al-Halim Belbaysi were reportedly undergoing interrogation at Ashkelon prison and had allegedly been subjected to violent shaking and prolonged sleep deprivation while tied to small stools in painful positions (22 December 1995).

269. Fu'ad Shamasneh was reportedly arrested on 9 April 1996 and served with a six-month administrative detention order. He was transferred to Megiddo prison on 26 April and to al-Jelameh prison on 26 May. He had allegedly been hooded with a sack, deprived of sleep, kept in painful positions, and his arm was apparently dislocated. 'Ali Diya, a Lebanese national and journalist for Agence France Presse, the Lebanese newspaper al-Safir and "Future Television", was reportedly being held incommunicado at Kishon prison in Israel on suspicion of collaboration with Hizbullah. On 25 July 1996 the Government informed the Special Rapporteur that he had been released on 19 July 1996 (24 June 1996).

270. The following persons were reportedly arrested on 16 August 1996 in Dura, near Hebron: Sami Yussef al-Matir, Fayez Muhammad Isma'il al-Shahtit, 'Ali Yussef al-Matir, Huja Sulaiman Hussain Huja, Mahmoud Yussef al-Matir, Anwar Awda Muhammad al-Darwish, Yassin Ibrahim Mahmoud Abu Hawash, 'Issa Yussef al-Matir al-Darwish, Salim Ibrahim Mahmoud Abu Hawash, 'Issa Yussef al-Matir al-Suwaiti, Musa Taleb Musa al-Rajoub, Mahmoud 'Awdatallah Muhammad al-Darwish, Bashir 'Ali Jabr al-Awawdeh, Ziyad Hassan 'Abd al-Fatah Abu Hawash, Yussef Muhammad Khalil al-Suwaiti. These persons, along with Hashem Muhammad Isma'il al-Hamamari, reportedly arrested on 19 August in Bethlehem, were being held at Hashabiyya in Hebron without access to lawyers (23 August 1996).

271. Dr. George Kalim Nakd, a surgeon in Nabatiyya, was reportedly arrested on 1 November 1996 by members of the South Lebanon Army (SLA) in the area of southern Lebanon occupied by Israel as a "security zone", and was being held at Khiam detention centre (8 November 1996).

272. Muhammad 'Abd al-'Aziz Hamdan, a suspected member of Islamic Jihad, was reportedly arrested on 7 October 1996 and allegedly subjected to violent shaking and prolonged sleep deprivation while being forced to sit or stand in painful positions. On 13 November 1996 a court order was issued forbidding the GSS to use physical pressure against him, but on 14 November 1996 the Supreme Court annulled the order and permitted the use of "increased physical pressure" (15 November 1996). The Government reply to this appeal is reflected in E/CN.4/1996/7.

273. Khader Mubarak, a suspected member of the military wing of Hamas was reportedly arrested on 21 October 1996. During his interrogation by the GSS he was deprived of sleep while handcuffed, held in painful positions and hooded with sacking. Pursuant to his petition seeking to bar the use of "physical pressure" against him, the Israeli Supreme Court ruled on 17 November 1996 that "physical pressure" could continue. Although the GSS is said to have subsequently agreed not to further tighten Khader Mubarak's handcuffs or force him to sit or stand in painful positions, prosecutors reportedly maintained that hooding and sleep deprivation were "essential" for the investigation (21 November 1996).

274. Muhannad Abu Rumi was reportedly arrested in Hebron on 18 November 1996 and remained incommunicado in the Moscobiyyah Police Detention Centre in Jerusalem (11 December 1996).

Italy

275. By letter dated 10 October 1996, the Special Rapporteur transmitted to the Italian Government the cases summarized in the following paragraphs; the Italian Government replied on 5 December 1996.

276. Giancarlo Malatesta was arrested in Rome on 23 July 1993 by police officers who suspected him of being in the act of buying drugs. Allegedly they then knocked him violently on the head, beat him and kicked him, after which he was taken to the Viminale police station. Upon expressing the wish to lodge a complaint, he was reportedly again struck on the head and in the abdomen. It was said that a medical certificate testifying to the treatment

undergone had been made out and attached to the complaint lodged by the victim with the Rome Pretura (district court), which had instituted an inquiry. The Italian Government replied that this person had been charged with bringing false accusations of ill-treatment against police officers. The oral phase of the trial was to take place in February 1997.

277. Mahrez Chanouf, a Tunisian national, and Salim Sfouli, an Egyptian, were arrested by the Milan police on 19 August 1993. Accused of having stolen a car and tried to escape when the police stopped them, they were brought before a magistrate. They then reportedly exhibited a number of cuts and bruises and claimed that they had been struck and beaten by several policemen, whereupon a medical certificate was made out and an inquiry instituted. The Italian Government replied that several police officers accused of abuse of authority had been acquitted in the Court of first instance on 11 October 1993.

278. Yimbi Ona Nsambi Okoka, a Zairian national, was arrested by police on 14 November 1993, at the Milan railway station. Allegedly, he was then taken to the police station and violently beaten there, after which he was released and had a medical certificate made out attesting to the ill-treatment undergone. On 6 June 1994, at the Albenga railway station, he was reportedly again arrested by police after a dispute with a railway employee and taken to the police station, where he was beaten and then given medical care for the blows inflicted. This time, too, it is claimed, upon being released he had a medical certificate made out. The Italian Government replied that the judicial inquiry had not yet been completed.

279. Nicholas Obachina, a Nigerian national, was arrested on 15 November 1993 by three carabinieri from Sant'Anna d'Alfaedo, near Verona, who allegedly beat him violently with a sort of truncheon and then abandoned him unconscious by the roadside. Reportedly, passers-by took him to hospital and he lodged a complaint against the three police officers. It is claimed that a trial took place and the three accused were given suspended sentences of 12 months' imprisonment, but the court ordered that the sentence should not appear in their personnel files. The three carabinieri allegedly then stated their intention of appealing.

280. Marco Lobos and Franco Vienibene were arrested on 14 January 1994 by the Bologna police, following an anti-drug operation. It is claimed that during their detention they were violently beaten and that, after they were set free, they were examined at the local hospital by a physician who diagnosed several injuries. Both of them, it is said, lodged complaints against the police and an inquiry was instituted. The Italian Government answered that the magistrate in charge of the preliminary investigation against the police officers would finalize it in a few weeks' time.

281. Bouzckri El Mautrofi, a Tunisian national, was arrested in August 1994 by officers of the Spotorno municipal police and taken to the police station, where he was allegedly beaten with a truncheon. After being released, he reportedly had a medical certificate made out by the San Paolo de Savona hospital, which it was said had confirmed the severity of the injuries. The Italian Government replied that a judicial investigation had been instituted and that the case was before the Savona Court of first instance.

282. Biagio Imposimato was arrested in Turin on 14 December 1994, by police who allegedly struck him violently and accused him of incitement to disobedience. Once he had been released, he reportedly went to the hospital where a medical certificate was made out. The Italian Government replied that the police officers had been sentenced to a fine and ordered to pay damages to the victim.

283. Enrico Notarangelo was arrested on 16 December 1994, by carabinieri who suspected him of carrying in his vehicle materials or weapons intended to be used for criminal acts. During his detention at the Mattinata police station, he was allegedly beaten, in particular with truncheons, on the head, arms, legs and other parts. A medical certificate was reportedly made out in Mattinata. The Italian Government replied that an investigation into the conduct of the police was in progress before the Court of first instance at Foggia.

Follow-up to cases dealt with in previous reports

284. Concerning the cases of Khaled Kabouti, Salvatore Franco and Carmelo La Rosa, transmitted by the Special Rapporteur in 1995, as also those of Antonio Morabito and Creaute Arsenie and the situation in the Secondigliano prison, Naples, transmitted in 1994, the Italian Government sent replies, dated 7 August 1995, in which it indicated that judicial investigations were in progress. The Special Rapporteur told the Government that he would like to receive information on any findings of those investigations. In its reply dated 5 December 1996, the Italian Government indicated that the investigations into the cases of Khaled Kablouti and Salvatore Franco had not yet been completed. The cases of Carmelo La Rosa and Creaute Arsenie had been filed. The case of Antonio Morabito was before the Court of second instance. As for the situation in the Secondigliano prison, the Government stated that 64 officials had been charged but that the trial was not yet over.

Jamaica

285. On 18 December 1995 the Government replied to the letter of the Special Rapporteur of 10 July 1995 regarding the conditions under which children are held in police lock-ups in the country (see E/CN.4/1996/35/Add.1, paras. 411-412). The Government stated that under the provisions of the Juveniles Act, youngsters under the age of 17 may not be detained in the same cells as adults. In practice, juveniles were sometimes held in the same building as adults, but they were not, as alleged, held in the same cells. Each police station was staffed with persons skilled in handling juvenile matters and there existed ongoing educational programmes aimed at informing the public of this fact and of the system of referrals between social agencies. The Government planned in the medium to long term to upgrade facilities for teenage girls and steps were being taken to expedite hearings and provide better educational facilities for those in the care of the State. Also, visiting committees, comprising Justices of the Peace, served to bring to the attention of the relevant authorities any weaknesses in the system, with an emphasis on human rights. The Government was acutely aware of the importance of protecting persons in lock-ups and correctional institutions

from abuse. Personnel were constantly reminded that juveniles and young persons must be treated strictly in accordance with existing legislation and appropriate action was taken when violence occurred.

Jordan

286. By letter dated 9 August 1996 the Special Rapporteur advised the Government that he had received information indicating that Mustafa Sulaiman 'Abd al-Latif Abu Hamid had been subjected to torture in police custody following his arrest in April 1995. The torture, which was said to have taken place during a period of one month when he was held without charge, allegedly included being hung upside down from nails which were inserted into his ankles. He was reportedly admitted into the hospital later under a false name for treatment of injuries sustained as a result of the torture. He made a complaint about the torture during his trial, but the judge allegedly failed to order an investigation and no medical records were received by the court. He was convicted of the murder charges and sentenced to death, a sentence reportedly confirmed by the Court of Cassation on 12 July 1996. On 18 November 1996 the Government replied that the accused had not been tortured at any stage during his arrest. The Court of Cassation had reviewed the case in view of the defendant's complaint. The Court upheld the previous sentence, as it had been based on the defendant's admission of the crime to the government prosecutor and not while he was in police custody.

Kazakstan

287. By letter dated 10 June 1996 the Special Rapporteur advised the Government that he had received information according to which Nikolai Gunkin, the ataman of the Semirechye Cossack Host, was arrested in Almaty on 28 October 1995 by officers of the Moskovsky District Department of Internal Affairs. He had reportedly been presenting himself to register as a candidate for the elections to parliament when the arrest occurred. He was charged with "organizing an unsanctioned meeting", in connection with an event earlier in the year. He was allegedly physically assaulted by police officers during his arrest. Later, three persons, including one dressed in a police uniform, reportedly attempted to hang him from a heating pipe by his neck in his cell, allegedly to make it appear that he had committed suicide. He was said subsequently to have undertaken a hunger strike at Investigation-Isolation Prison Number One. Officials allegedly doused him with cold water in an attempt to get him to end the strike.

Urgent appeals

288. The Special Rapporteur made an urgent appeal on 4 September 1996 concerning Nina Sidorova, a political activist on behalf of the Cossack community, who was reportedly detained at her home in Almaty on 20 August 1996 by officers of the State Investigative Committee (GSK) of Kazakstan. She was said to have been held at various locations, sometimes in small, unventilated or pitch dark "punishment cells", and to have been subjected to beatings. She was reportedly being detained at GSK headquarters.

Kenya

289. On 24 January 1996 the Special Rapporteur transmitted to the Government a number of individual cases of alleged torture and on 18 March 1996 the Government sent a reply to many of those allegations. The allegations and the replies are summarized in the following paragraphs.

290. David Mbuga Kabata, arrested in Rift Valley province on 3 August 1993, was allegedly transferred eight times among six police stations and tortured at two of the stations and four times in nearby forests, before appearing in court on 16 August. His torture allegedly included death threats to coerce him to sign statements; whippings and beatings with hoe handles all over his body while his hands were each tied to a different tree; and the tying of his penis with a string and pulling of the string until his penis bled. A medical examination revealed the presence of multiple bruises, two fractures of the facial and skull bones, a circular peri-colonal ulcer on the penis, soft tissue injuries and acute bronchitis. The Government replied that the matter was subjudice and that David Mbuga Kabata had never complained to the magistrate about torture. It was unheard of for a tortured suspect to fail to complain to the magistrate, so that an independent investigation would be ordered. If he were actually tortured, he should have complained to the magistrate.

291. George Karuki Wanjau, aged 65, was reportedly arrested on 7 November 1993. In Nakuru, the provincial CID officer allegedly slapped him and ordered police officers to administer beatings, after which six officers allegedly beat him severely. As a result, he lost four teeth and suffered swollen cheeks and bleeding from the mouth. The beatings were reportedly inflicted to get him to implicate political activist Koigi wa Wamwere in an alleged robbery. Medical reports established that he had suffered injuries consistent with his allegations of torture. The Government replied that the Attorney General had advised that charges against George Karuki Wanjau be withdrawn. At no point during court appearances or subsequent to his release had he complained of having been tortured by the police.

292. Josephine Nyawira Ngengi, a member of the organization Release Political Prisoners, Ann Wambui Ng'ang'a and Tabitha Mumbi were reportedly arrested along with 16 men in May 1994 in Nakuru. They were allegedly tortured in police custody before being charged with robbery with violence. Josephine Nyawira Ngengi was reportedly held incommunicado for 22 days, during which she was allegedly beaten and blunt objects were forced into her vagina. The Government stated that after her arrest, Josephine Nyawira Ngengi had been taken to her house, where she gave the officers the keys to a stolen vehicle. She and three others, including Ann Wambui Nakuru, were acquitted of robbery charges. The reply did not address the allegations of torture.

293. Joseph Baraza Wekesa, Taiga Machenjie, Moses Murimi Mukour and Richard Wasilwas Wafula were among at least 32 persons arrested between late October 1994 and early February 1995 in Bungoma district, western Kenya, on suspicion of membership in the illegal organization February Eighteenth Movement (FEM). Most or all of the 32 known arrestees were allegedly tortured. Joseph Baraz Wekesa, aged 69, was allegedly beaten repeatedly, hot

wax was poured on his arms and he was threatened with genital torture. Although he pleaded guilty, he subsequently appealed his conviction on the grounds that he had been tortured. A court-ordered medical report revealed severe injuries, but the High Court judge allegedly refused to read the medical report and refused him bail. Taiga Machenjie, a former chairman of the Mount Elgon district section of the opposition party Forum for the Restoration of Democracy (FORD), was allegedly tortured in Kakamega, resulting in his urinating blood and losing his hearing. Moses Murimi Mukour allegedly had his penis and both testicles tied with a string that was stretched and repeatedly hit by Special Branch officers in Kakamega. The officers also reportedly stood on his chest and on a piece of wood placed across his legs. A medical report noted scars resulting from torture. Richard Wasilwa Wafula was allegedly beaten on 8 February 1995 in Kakamega and a medical report noted that three weeks later his injuries were still "quite visible and quite marked". The Government replied that at the hearing of his appeal before the High Court on 27 February 1996, the advocate of Jaseph Baraza Wekesa had dropped the appeal and had not mentioned the allegations of torture to the court. Even at trial, the accused had not reported to the Court the allegations of torture. The appeal thus covered only the issue of sentence, which was reduced from six to two years.

294. Geoffrey Ndungu Gichuki was among a group of 67 persons reportedly arrested around Nakuru in December 1994 under accusation of holding an illegal meeting. At least 17 of the detainees were allegedly tortured and four detainees became permanently disabled after being tied to trees and beaten in Dundori forest. Geoffrey Ndungu Gichuki developed gangrene and his arm was amputated. The four disabled detainees were held under police guard in hospital for seven months and released in July 1995, allegedly to avoid evidence of their torture being raised in court. A lawyer acting for 63 prisoners held for trial stated in court that the prisoners were being tortured by warders, including by "stripping them and thrusting a stick in their bottoms". They also began a hunger strike in September 1995 because they had been moved to a cell block with persons suffering infectious diseases, such as tuberculosis and scabies, and generally atrocious conditions. Sixty-two of the 63 prisoners were convicted in October 1995.

295. Alex Owuor was reportedly arrested on 27 December 1994 by five KANU Youth Wing members under accusation of stealing. At the Youth Wing' office he was allegedly kicked and beaten, as a result of which he sustained a dislocated elbow and swollen genitals and required hospital treatment. The Government replied that when a complaint is brought to the attention of the police, it is recorded in the Occurrence Book. The police had checked their records and found that no complaint had been made either by or on behalf of Alex Owuaor. Neither had the Attorney General received a complaint. Therefore, the allegation that little action had been taken by the police was false.

296. Daniel Waweru, aged 84, his wife and his daughter were reportedly whipped at Kangaita Chief's Camp, Kirinyaga district, by three administrative policemen on 4 January 1995. Daniel Waweru was then held overnight in a cell several inches deep in water and released without charge. The Government stated that the incident involved a father and his son, daughter and grandson. Pursuant to their complaint of assault by three administrative policemen, they

were escorted to the hospital for examination and treatment and their statements were recorded. The investigations into the cases were ongoing.

297. Zacharia Wukumu Njogu was reportedly beaten severely and robbed at a bus station in January 1995 by six members of the KANU Youth Wing. He was hospitalized for two weeks with his right leg in a cast. He identified three of the attackers to police but only one person was detained briefly. He was released on bail and it appeared that no further action was to be taken in the case.

298. Sergeant Martin Obwong, a prison officer in Nairobi, was reportedly arrested on 17 March 1995 following a quarrel with a police officer in a bar. He was allegedly beaten by officers at the station and collapsed shortly after his release the next day. He died the following day. The Government replied that two policemen had been charged in court with manslaughter on the death of Sergeant Obwong.

299. Robert Wafula Buke, a former University of Nairobi student leader, was reportedly arrested on 27 March 1995 on suspicion of membership in FEM. He was allegedly chained to a wall and severely beaten at Kawangware Chief's Camp by a Special Branch inspector and two officers. He was reportedly tortured further and denied food at Naivasha maximum security prison. He was released on 13 May 1995.

300. Nahashon Chege, an 18-year-old street boy, was reportedly tortured to death at Pongani police station on 1 April 1995. He was said to have been beaten severely with gun butts. Two other boys arrested with him were also allegedly beaten. The Government replied that Nahashon Chege was among 25 suspects arrested on 29 March 1995 on suspicion of setting a vehicle ablaze. He had fallen ill on 31 March and was declared dead on arrival at hospital. A post mortem had revealed that he died from a ruptured spleen which could have been caused by a fall or blunt force applied to the abdomen. The body had no visible injuries. An inquest file had been opened and the procedures were ongoing.

301. Lieutenant John Kubwana, a Ugandan army officer, was reportedly kidnapped by Kenyan security agents from his home in Bukabayi village in Mbale district, Uganda, on 23 April 1995, under accusation of having recruited and trained members of FEM. He was allegedly beaten with blunt objects and wounded with a knife. He subsequently died in Bungoma hospital. The Government stated that John Kubwana had been arrested in Kenya on matters related to security and was released on 1 May 1995. He was never assaulted and had gone home without complaint. He was not dead, but was in Uganda going about his usual business.

302. Otieno K'Opiyo and Otieno Mak'Onyango, both members of parliament from the opposition FORD party, were reportedly detained and beaten by riot police on 10 June 1995, apparently to prevent them from attending a by-election in Mombasa. They were subsequently treated at hospital for back and chest injuries.

303. Mirugi Kariuki, a human rights lawyer, and Louise Tunbridge, a journalist for the British newspaper Daily Telegraph, were among a number of

journalists and Safina party supporters allegedly beaten by prison riot squad officers and about 40 armed members of the KANU Youth Wing when they went to visit activist Koigi Wa Wamwere in Nakuru prison on 10 August 1995. Murugi Kariuki sustained a broken collarbone and serious bruising and Louise Tunbridge suffered severe bruising. Three persons have reportedly been charged with assault in the incident and released on bail.

304. Wang'ondu Kariuki, a lawyer, was reportedly arrested on 22 September 1995 under accusation of membership of FEM. He was held incommunicado for seven days, during which he was allegedly stripped naked, beaten repeatedly and denied food for three days. According to the Government, Wangondu Kariuki had admitted being the Secretary-General of FEM and was charged on two counts of being a member of an unlawful society. His case is still pending.

305. The Special Rapporteur provided the Government with follow-up information he had received with respect to the case of Geoffrey Kuria Kariuki, on whose behalf the Special Rapporteur had transmitted urgent appeals on 18 July 1994, 15 August 1994 and 2 December 1994. He had allegedly been tortured incommunicado detention at Nakuru police station following his arrest on 9 July 1994 and was reportedly being denied adequate medical treatment. According to the new information received recently, he was eventually released on bail in May 1995. Although a medical report established that his condition resulted from trauma "inflicted from blunt object(s) directed to the head", no investigation was said to have been undertaken with respect to the torture allegations.

306. The Special Rapporteur also transmitted new information he had received in the case of opposition Democratic Party official David Njenga Ngugi, first mentioned in the Special Rapporteur's letter of 21 July 1994, who had allegedly been tortured with five other persons following their arrest in November 1993 on charges of breaking into the Ndeiya Chief's Camp and stealing weapons. The detainees had allegedly been whipped, their fingernails and toenails had been removed, and they had been forced to walk on sharp objects. The source of the information had since reported that the case against all six defendants was dismissed on 10 June 1994 on the grounds that their confessions had been obtained through torture. In his ruling of May 1994 the Chief Resident Magistrate noted that David Njenga Ngugi had been "so badly tortured to confess that today, eight months later, he still has to walk with the help of crutches. The soles of his feet still have deep black marks and [sores] and swellings are on his feet". The magistrate also reportedly directed the commissioner of police to take immediate action against the persons responsible for the torture. Despite this ruling, no investigations were carried out into the torture allegations. Subsequently, the magistrate was transferred from Nairobi to Kitiu, 130 kilometres away, and David Njenga Ngugi continued to suffer harassment by the police. The Government replied that the police were still investigating allegations of torture against the six defendants in the above-described case, and the perpetrators would be prosecuted or disciplined if torture were established.

Information received from the Government with respect to a case included in a previous report

307. In its letter of 18 March 1996, the Government replied to the cases of Rosemary Nyambura and Truphena Obwaka Shirako, which had been transmitted by the Special Rapporteur on 18 September 1995, (see E/CN.4/1996/35/Add.1, paras. 419 and 422). Rosemary Nyambura, who was allegedly beaten to death by police officers in Nairobi on 10 May 1992, had been found hanging on the wall with a piece of blanket around her neck at Rurarаka police post some 20 minutes after another detainee who had been arrested for being drunk and disorderly had been brought to the police post. A police pathologist found that her death was due to bleeding in both kidneys and a torn spleen. An inquest was opened and the matter was taken to court. All the witnesses had tendered evidence and a ruling would be delivered soon. As to Truphena Obwaka Shirako, who was allegedly tortured, including by means of sexual assault, at Langas police station in January 1994, the case against the offending policemen was still pending in court.

Libyan Arab Jamahiriya

308. On 1 February 1996 the Special Rapporteur transmitted an urgent appeal on behalf of 'Adel Mohammad al-Khazani, Salih Sulayman Haddoud, Faraj Sulayman al-Du'ayki, Sulayman Abu-Setta, 'Abdallah al-Mahdi Abu-Setta, Salah al-Din 'lyad al-Shibani, Mohammad Hassan al-Barrani and Mohammad al-Mahtout al-Si'ani, who were among a large group of students reportedly arrested in Bani Wali, south-east of Tripoli, in the context of a demonstration that had taken place in early September 1995. They were allegedly interrogated under torture, including by means of electric shocks, falaqa and being threatened with dogs. They and 16 other persons were reportedly tried summarily in secret, without access to lawyers, and were sentenced to various prison terms in mid-December 1995. They were being held incommunicado in al-Jdayda prison, al-Farna, ouside of Tripoli.

Mexico

309. By letter dated 6 August 1996 the Special Rapporteur transmitted to the Government the cases dealt with in the following paragraphs; the Government replied on 5 November 1996.

310. Diego and Claudio Martínez Villanueva, members of the Otomí indigenous community, were detained in Santa Ana Tlacotenco, State of Mexico, in January 1994 by members of the State judicial police, who accused them of murder. Both are deaf mutes, mentally deficient and illiterate. They were allegedly beaten, subjected to electric shocks in the tongue and forced to mark their fingerprints on self-incriminating statements. The Government reported that the National Human Rights Commission (CNDH) had not received any complaint about this case.

311. Félix Armando Fernández Estrada, a trader, was detained on 20 October 1994 in Mexico City by members of National Public Security Coordination (CNSP), which accused him and others of having planted a bomb. Transferred to a place of secret detention, he was allegedly subjected to tortures such as electric shocks, blows, attempts to asphyxiate him by placing

a plastic bag over his head, and death threats. The Government reported that this person had declared to representatives of the National Human Rights Commission that the lesions he displayed had been caused accidentally and that he did not wish to lodge any complaint on the matter.

312. Eneo Hernández Hernández, Emiliano Hernández Hernández and Lucas Francisco Hernández, members of the Nahua indigenous community originating from the community of Cantollano, municipality of Ixhuatlán de Madero, Veracruz, were detained on 2 July 1995 at different places in the municipality by members of the State judicial police. Taken to the headquarters of the State's Directorate General of Public Security (DGSPE) in Álamo, they were reportedly interrogated and subjected to various kinds of torture, such as application of electric current to the arms, blows and attempts to asphyxiate them with plastic bags placed over their heads. The Government supplied details about the facts and the proceedings against these persons, but not about the possible use of torture.

313. Cecilia Rodríguez, representative of the Zapatista National Liberation Army (EZLN) in the United States, was allegedly attacked on 25 October 1995 in Montebello, Chiapas, by individuals suspected of having links with security forces, who are said to have raped her and pressed her to give up her political activities. The Government reported that the person concerned had not reported to the Office of the Attorney-General of the State of Chiapas to confirm the accusation, and that neither the relevant medical certificate nor the witness statement was contained in the file.

314. Aurora Nazario Arrieta, 15 years old, a native of San Miguel, Tzinacapán, was allegedly raped early in November 1995 by three policemen at the police station in Cuetzalen, Puebla. The Government reported that the National Human Rights Commission had issued a recommendation requesting that the Attorney-General of the State of Puebla should take action for the arrest of the three persons alleged to be concerned.

315. Manuel Aguierre Becerril, Abel and César Zamudio Trejo and Margarita Villafuerte were reportedly arrested on 21 January 1996 in Celaya, Guanajuato, by officers of the judicial police, who accused them of an abduction. All of them are said to have been severely beaten. Margarita Villafuerte was allegedly subjected to cigarette burns on the back, abdomen and thighs and mutilation of both nipples. The Government reported that the National Human Rights Commission was conducting the necessary inquiry.

316. José Nava Andrade, leader of the Organization of Villages and Settlements (OPC), of Chilpancingo, Guerrero, member of the Union of Peasant Organizations of the Southern Highlands (UOCSS) and the Broad Front for National Liberation Movement Building (FACMLN), was abducted on 2 July 1996 by individuals suspected of having links with security bodies when on his way to the Guerrero State Government building to receive compensation he had been promised for injuries suffered in April 1996 at the hands of the police. The kidnappers allegedly stripped him, hung him up by the feet and beat him with sticks covered with sponge and lint. They also reportedly inserted a tube in his rectum and filled his intestine with domestic gas, prodded him with electric goads and struck him hard on both ears with the palms of their hands.

According to the Government, the forensic physician of the National Human Rights Commission confirmed that the person concerned had in fact been tortured, and a request had been addressed to the Office of the Attorney-General of the State of Guerrero for the adoption of precautionary measures on his behalf. Investigations with a view to identifying those responsible were continuing.

317. In addition, the Special Rapporteur again transmitted to the Government a number of cases sent in 1995 concerning which he had not yet received any reply.

Follow-up to cases transmitted previously

318. On 12 April 1995 the Special Rapporteur transmitted to the Government the case of Alvaro Castillo Granados, who was arrested on 8 February 1995 in Yanga, Veracruz, by members of the Federal judicial police who allegedly struck him with boards and electric cable, squirted mineral water into his nose, covered his head with a plastic bag and subjected him to electric shocks. Six other persons arrested on the same occasion, Ricardo Hernández López, Hilario Martínez Hernández, Martín Trujillo Barajas, Luis Sánchez Navarrete, Rosa Hernández Hernández and Hermelinda García Zepahua, allegedly underwent similar treatment. Reportedly the National Human Rights Commission, in its recommendation 50/95, submitted that there had been torture and recommended that the Attorney-General's Office should institute an inquiry. The Special Rapporteur asked the Government for information on follow-up by the competent authorities to the National Human Rights Commission's recommendation. On 5 November 1996 the Government reported on the progress of the proceedings, which have not yet been completed.

319. On 17 February 1995 the Special Rapporteur sent the Government an urgent appeal on behalf of Mariano Encino López and Julio Encino Hernández, arrested on 9 February 1995 at Sierra de Songolica, Puebla. Information supplied by the National Human Rights Commission indicated that while he had remained in detention Mariano Encino had been subjected to electric shocks. The Special Rapporteur asked the Government for information on the results of the investigation carried out by the Commission. The Government replied that according to the Commission the persons concerned were detained in the community of Sibaquil, municipality of Altamirano, Chiapas. In an interview with representatives of the Commission they declared that they had not been beaten or tortured by the military and that it was at Tuxtla Gutiérrez, on 11 February 1995, in an office whose location they did not know, that Mariano Encino had been assaulted with an apparatus that gave him electric shocks. Since, furthermore, the prison entry medical certificates, issued on 13 February 1995, established that the aggrieved persons were in good physical and mental health, the case was filed as solved in the course of the proceedings.

320. Regarding the case of Manuel Manríquez San Agustín, transmitted by the Special Rapporteur on several occasions, the Government reported on 1 December 1995 that the Office of the Attorney General of the Federal District had in November 1995 instituted criminal proceedings against two members of the police force for their alleged responsibility in the commission of the crime of torture, and that orders for their arrest had been

issued and carried out. The Special Rapporteur asked to be informed of any new developments there had been in the case since the court had ordered the imprisonment of those allegedly responsible, and also of any action taken to indemnify the victim. In answer the Government stated that the two individuals presumed to be responsible had been dismissed from their posts. Meanwhile the criminal proceedings were continuing to go ahead.

Replies provided by the Government regarding cases transmitted in prior years

321. Alejandro Salas Romero, arrested on 9 February 1995 at Sierra de Songolica, State of Puebla, by 15 armed individuals believed to belong to the army. On 20 March 1996 the Government sent the Special Rapporteur a copy of the final recommendation issued by the National Human Rights Commission. It is not stated in that report, however, that the person concerned had been tortured, nor that he had complained of having been a victim of torture.

322. Jorge Ramírez Sánchez and nine other peasants arrested on 29 May 1995 in the indigenous community of Atlapaxco, State of Hidalgo. On 20 March 1996 the Government reported that the National Human Rights Commission had not been able to locate those persons, who had been released on bail in order to corroborate the occurrence of torture, and that the Commission had not received any complaint from them.

323. Jorge Santiago Santiago, arrested on 20 February 1995 at Teopisca, Chiapas, for alleged membership of the Zapatista National Liberation Army. On 29 March 1996 the Government reported that he had told representatives of the National Human Rights Commission that he had not been subjected to torture.

324. Demetrio Ernesto Hernández Rojas, arrested on 19 October 1994 in the town of Netzahualcóyotl, State of Mexico. According to information provided by the Government on 29 March 1996, he told representatives of the National Human Rights Commission that he had incurred the injuries he displayed accidentally and that he did not wish to lodge any complaint on the matter.

325. Ricardo Hernández López and seven other persons arrested in February 1995 at Yanga, Veracruz. According to information provided by the Government on 29 March 1996 the National Human Rights Commission submitted that these persons had been subjected to physical and mental torture in order to obtain information concerning the Zapatista National Liberation Army and to make them sign self-incriminating statements, and had recommended the opening of an administrative investigation directed against agents of the State judicial police and of the Government Procurator's Office, as well as the medical expert of the Office of the Attorney General of the Republic.

326. Gonzalo Sánchez Navarrete and five other persons arrested on 10 February 1994 at Cacalomacán, State of Mexico. According to information provided by the Government on 29 March 1996 the forensic physicians attached to the National Human Rights Commission certified that all these persons displayed lesions, which were described as of the kind that do not endanger life and take less than 15 days to heal. It also stated that expert reports were being prepared to determine whether or not the police had used excessive force.

327. Maria Gloria Benevides Guevara was arrested on 8 February 1995 by members of the police force, who allegedly broke into her home in Mexico City accusing her of belonging to the Zapatista National Liberation Army. Taken to military premises for interrogation, she was allegedly deprived of sleep for a day and a half and forced to sign a statement several pages long, which she was not allowed to read under threat of harm being done to her 18-month-old child. According to information provided by the Government on 29 March 1996, this person told the staff of the National Human Rights Commission that she had at no time been physically hurt; neither did she lodge any complaint. According to the medical report drawn up by the Office of the Attorney General of the Republic there were no recent external lesions.

328. Alfredo Jiménez Santís and Mario Alvarez López, arrested on 9 February 1995 and taken to a military establishment in Tuxtla Gutiérrez. According to a report supplied by the Government on 29 March 1996, the information obtained by the National Human Rights Commission indicates that during the time of their detention by military personnel these persons were subjected to physical ill-treatment. The Commission is conducting the requisite investigation.

329. Trinidad Pérez Pérez, arrested on 13 February 1995 at an army checkpoint located in the vicinity of the Chiapas communal land. On 5 November 1996 the Government reported that at an interview with representatives of the National Human Rights Commission this person stated that he had been subjected to ill-treatment by the military, but that it was not his wish to go through with the investigation of the facts, and it was accordingly brought to a close.

Urgent appeals and replies by the Government

330. During 1996 the Special Rapporteur sent the Government four urgent appeals, on the dates shown in parenthesis, the first of them being on behalf of Andrés Manuel López Obrado, member of the Democratic Revolution Party (PRD); Dorilian Díaz Pérez, municipal official; Rafael López Cruz, member of the PRD; and Darwin González Ballina, former member of Parliament belonging to the PRD. According to reports these persons formed part of a group of over 50 who were arrested between 7 and 9 February 1996 at the localities of Huatacalca (Nacajuca), Cárdenas and Centia, State of Tabasco. The arrests were made in connection with peaceful protests calling for compensation for the environmental damage caused by a petroleum plant. In the course of the operations conducted by members of the army and the State judicial police, an indeterminate number of persons were allegedly injured (19 February 1996). On 21 May 1996 the Government reported that all the detained persons had been set free and that a complaint had been lodged with the National Human Rights Commission concerning the above-mentioned acts.

331. The second appeal was sent on behalf of José Manuel de la Torre Hernández and Flor Vásquez Jiménez, members of the Venustiano Carranza peasant community, State of Chiapas, who had reportedly been abducted on 2 April 1996 by the San Bartolomé de los Llanos paramilitary group under instructions from the mayor of the locality. Two other members of the community, José de la Torre Torres and José Manuel Ramirez de la Torre, had allegedly been arrested in the same circumstances and set free 24 hours later. During that time, they had reportedly been beaten and refused access to their families and to medical

care (7 May 1996). On 6 June 1996 the Government reported that public officials had played no part whatsoever in the alleged arrest and torture of these persons. The so-called San Bartolomé de los Llanos paramilitary group does not exist; the name, however, belonged to one of the indigenous peasant organizations in conflict in the municipality of Venustiano Carranza.

332. The third appeal was sent on behalf of Teodoro Juárez Sánchez, Ramiro Jiménez, Lorenzo Adame Benítez and Jerónimo Adame, members of the Southern Highlands Peasant Organization (OCSS); Cleofas Sánchez, Pedro Barrios, Gervacio Arce and Gonzalo Sánchez, members of the Guerrero Organization of Villages and Settlements (OPCG); Procoro Valente Gil, member of the Broad Front for National Liberation Movement Building (FAC-MLN); and Alfredo Barragán, Gregorio García, Gerardo Hurtado Arias, Taide Mejía Hernández, Marcos Mejía Cruz, and Valentín Tapia Noyola, peasant activists. Allegedly these persons were arrested between 8 and 15 July 1996 in the State of Guerrero and some of them were subjected to torture and ill-treatment. The arrests reportedly took place in the course of operations by the security forces against peasant activists, in particular members of OCSS and OPCG, accused of having links with the armed opposition group, People's Revolutionary Army (ERP). It was also reported that on 14 July 1996, during a demonstration calling for the release of peasant activists arrested on previous dates, some 30 persons had allegedly been injured, including women and children (24 July 1996). On 28 August 1996 the Government reported that a preliminary investigation had been initiated against the chief of the Chilpancingo Municipal Preventive Police and his personnel for the offences of abuse of authority, illegal deprivation of freedom and their consequences, committed to the detriment of 53 persons, among whom are the above-mentioned.

333. The fourth urgent appeal concerned the leader of the OCSS, Hilario Mesino Acosta, who had been arrested on 3 July 1996 in Mexico City and later transferred to the prison of Acapulco, Guerrero, on suspicion of having links with the People's Revolutionary Army. During his detention he was allegedly subjected to torture (3 September 1996). In communications dated 1 and 23 October 1996, the Government reported that the National Human Rights Commission had conducted medical examinations upon Mr. Mesino and determined that he had no traces of external lesions. Moreover, he himself had reportedly informed the Commission that he had not been tortured.

Morocco

334. On 10 October 1996 the Special Rapporteur informed the Government that he had received particulars concerning the case of Ahmed Sanoussi, a Moroccan humorist, who had allegedly been assaulted on 4 June 1996 by members of the police force when on his way to the headquarters of the Moroccan Labour Union in order to join, out of solidarity, in a sit-in organized by the Association of Unemployed Graduates. He was allegedly taken unconscious to hospital where the doctors reportedly diagnosed multiple traumatisms. Apparently, several non-governmental organizations had called for an inquiry, but no action had been taken on that request.

335. On the same date the Special Rapporteur referred once again to the case of Aimed El Kauri, Nebt Ramdane Bouchraya, Arbi Brahim Baba, Cheykhaton Bouh, M'Rabih Rabou Neysan, Abdel'hay Lekhal, Mahfoud Brahim Dahou and Salama Ahmed

Lembarki, arrested on 11 May 1995 at La'youne, which he had already submitted to the Government in 1995. The Government had replied that any allegation of torture or ill-treatment was mere speculation and that, at the time of their appearance before the military court, the persons concerned had made no declaration to that effect. However, additional information received by the Special Rapporteur from the sources emphatically asserted that those persons had been tortured to extract confessions from them and that they had so informed the court. Despite that, the court had reportedly not ordered an inquiry or taken any other measure. On 18 November 1996 the Government reiterated that the persons concerned had never been subjected to torture.

Myanmar

336. By letter dated 11 June 1996 the Special Rapporteur advised the Government that he had received information according to which U Win Tin and Myo Myint Nyein had been placed in tiny cells intended for the keeping of military dogs, at Insein prison in Yangon, as punishment for possessing a letter from prisoners addressed to the United Nations Special Rapporteur on the situation of human rights in Myanmar concerning harsh prison conditions. Dr. Khin Zaw Win, Saw Naing Naing (a member-elect of parliament) and Monywa Tin Shwe also had been held in "dog cells" since November 1995 for intending to send a letter to the Special Rapporteur on Myanmar. (Saw Naing Naing, Monywa Tin Shwe, U Win Tin and Myo Myint Nyein were subjects of the urgent appeal of 5 January 1996 summarized below.). Mya Win, a National League for Democracy (NLD) MP-elect and Htay Aung, an NLD member, were also said to be held in such cells.

Urgent appeals transmitted and replies received

337. On 5 January 1996 the Special Rapporteur and the Special Rapporteur on the situation of human rights in Myanmar made a joint urgent appeal on behalf of Saw Naing Naing, Monywa Tin Shwe, U Win Tin, Myo Myint Nyein and Dr. Myint Aung, all NLD members, who allegedly had been subjected to severe ill-treatment since mid-November 1995 at Insein jail (see above). They were reported to be in ill health and in need of essential medical attention. On 21 March 1996 the Government stated that there was no ground for concern that they might be subjected to torture or ill-treatment, as such practices were strictly prohibited by law in Myanmar and the prison authorities scrupulously followed the relevant laws and the stipulations of the Prison Manuals. Qualified doctors were always available to tend to the medical needs of detainees and, if necessary, arrangements were made for patients to receive the necessary treatment at hospital.

338. On 23 January 1996 the Special Rapporteur and the Special Rapporteur on the situation of human rights in Myanmar made a joint urgent appeal on behalf of a number of members of the dance troupe Myo Daw Win Mar Anyeint, who had reportedly been arrested by officials of Military Intelligence Unit (MI) 16 in Mandalay after returning from a performance at an Independence Day ceremony at the compound of NLD leader Daw Aung San Suu Kyi. The troupe was said to have made jokes about the political situation in Myanmar during their performance. U Htwe (NLD Chairman of Mandalay Southeast Township), U Pa Pa Lay, U Lu Zaw, Myodaw Win Mar (female), Ma Hnin Pa Pa (female), U Tin Myint Hlaing, U Sein Hla and U Win Htai were reportedly arrested on 7 January 1996; Daw Myaing

(female) and Ma Yin Tin Swe (female) were arrested on 11 January 1996; and U Myint Thein and U Aung Soe, NLD members who helped to arrange the performance, were arrested on 12 January 1996. On 13 March 1996 the Government replied that neither Myawdaw Win Mar, Ma Hnin Pa Pa, U Tin Myin Hlaing, U Sein Hla, U Wint Htai, Daw Myaing, Ma Yin Tin Swe nor U Myint Thein had been detained by the authorities. U Pa Pa Lay and U Lu Zaw had been charged with delivering lines at the 4 January 1996 performance that could jeopardize the law and order and security of the State and U Htwe and U Aung Soe had been charged for giving them the support and encouragement to do so. They faced no ill-treatment while in detention or during trial.

339. On 7 February 1996 the Special Rapporteur and the Special Rapporteur on the situation of human rights in Myanmar made a joint urgent appeal on behalf of U Win Naing, U Khin Maung, U Thein Tun, U Maung Maung Lay, U Maung Ung Myient and U Htay Kywe, members of the Insein township branch of the NLD, who were reportedly arrested on 27 January 1996 in Yangon in connection with a poem they had written to commemorate the death in custody in 1991 of NLD member U Tin Maung Win. On 13 March 1996 the Government replied that a case had been filed against U Thein Tun, U Win Naing and U Htay Kywe because they had been involved in the writing and distribution of literature found to be detrimental to law and order and security of the State. U Khin Maun, U Maung Maung Lay and U Maung Ohn Myint had not been arrested nor detained. There was no ground for concern that the detained persons would face ill-treatment as the authorities in Myanmar scrupulously followed the laws prohibiting torture and other cruel, inhuman or degrading treatment.

340. On 23 May 1996 the Special Rapporteur made an urgent appeal concerning at least 90 NLD activists who had reportedly been under arrest since 19 May 1996 in order to prevent them from attending an NLD conference scheduled for 26 to 29 May 1996. U Win Htein, the NLD spokesman, and Dr. Aung Khin Sint were reported to be among those detained. They were allegedly being held without charge and at an unknown location.

341. The Special Rapporteur and the Special Rapporteur on the situation of human rights in Myanmar made a joint urgent appeal on 4 September 1996 on behalf of John Khaw Kim Thang (aka No Than Kap), former President of the Chin National Front, who was reported to be held in the custody of the Myanmar army at their Kalmyo camp. On 28 November 1996 the Government replied that he had been detained by the Indian army for involvement in rebel activity and had been handed over to the Myanmar authorities in Tamu. He had never been held at Kalemyo army camp nor had he been ill-treated.

342. The Special Rapporteur and the Special Rapporteur on the situation of human rights in Myanmar made a joint urgent appeal on 5 December 1996 on behalf of Zaw Win, Tin Hla, Kyaw Soe, Thi Thi Aung and Than Than Su Win, members of the Youth Wing of the NLD, who were reportedly arrested on 3 December 1996 and were said to be held at MI 12 headquarters for interrogation.

Information received from the Government on cases appearing in previous reports

343. In a letter dated 18 December 1995, the Government informed the Special Rapporteur that Ye Htut, an NLD member on whose behalf the Special Rapporteur had made an urgent appeal on 6 October 1995 (see E/CN.4/1996/35/Add.1, para. 474), had been found guilty of writing false and fabricated news about Myanmar which could cause foreign countries to misunderstand the actual situation prevailing in the country. He was sentenced to seven years' imprisonment. He had not been subjected to torture or ill-treatment in detention.

344. In a reply dated 29 December 1995, the Government informed the Special Rapporteur that NLD Youth representatives Maung Aye, Toe Aung and Myo Zaw, on whose behalf the Special Rapporteur had made an urgent appeal on 24 November 1995 (see E/CN.4/1996/35/Add.1 para. 475), had not been subjected to torture or ill-treatment.

Nepal

345. By letter dated 18 April 1996 the Special Rapporteur advised the Government that he had received information according to which at least 44 persons, including children, had been arrested in Kubhinde, Sinduplachowk district, between 2 and 9 February 1996, following the disappearance of a police constable in the area. It was alleged that these persons had in fact been detained because they were alleged sympathizers of the opposition party United People's Front (UPF). A number of those arrested were allegedly subjected to severe beatings, such as Yam Maya Sapkota, Radhika Sapkota, Taradevi Sapkota, Dula Prasad Sapkota and Subhadra Sapkota (female, aged 13).

346. The Special Rapporteur transmitted another letter on 24 September 1996 concerning allegations of torture or ill-treatment against persons arrested in police operations against Maoist political activists in the Rapti region of mid-western Nepal in February and March 1996. The following individual cases were transmitted: Jaggu Prasad Subedi, Chairman of the Rolpa District Development Committee, arrested in Libang; Imam Singh Rokha, from Gaam village, Rolpa district; Shivaprasad Sharma, President of the Jhajharkot district of the All Nepal National Independent Students Union, arrested at Thaple, Jhajharkot district; Dambar Bahadur Rokayat, arrested and interrogated at Darma police post; Ganga Ram Budhotoki, reportedly detained by officers from Tharmere police post; Bishnu Maya and her daughters, aged six and eight years, arrested in Rimna village, Khalanga VDC, Ward No. 8 of Jhajharkot district; Umakanta Sharma, arrested in Botechaur village of Surkhet district; Karna Bahadur Budhathoki, arrested in Botechaur village of Surkhet; Tilbir Budhathokiwas, allegedly tortured at Salyan district headquarters; Phanindra Ghimere, former Area Committee member of the Samyukda Jana Morch party (SJM) arrested in Jhajharagoan village, Dang district; Padam Oli; Jhim Bahadur Chand, held at Tulsipur jail. Torture included beatings, including on the soles of the feet, and the use of rollers to the thighs.

347. Some 35 police officers reportedly raided the respective homes of Arjun Bahadar Rana, Gothalo Rana, Nande Rana, Mote Rana and Bire Basnete in Jhureli village, Khalanga VDC, Jhajharkot district, on 14 March 1996. When the

villagers denied knowing the whereabouts of suspected Maoist activists, they were allegedly beaten severely in public with sticks and subjected to stinging with nettles. In addition, Shanti Ranan (female), aged 13, was allegedly beaten. The police were said to have subsequently set fire to the homes of the villagers.

Nigeria

348. By letter dated 6 May 1996 the Special Rapporteur informed the Government that he had received reports indicating that a number of the 43 prisoners who were convicted in connection with an alleged attempt to overthrow the Government in March 1995 had been ill-treated or denied critical medical treatment. George Mbah, a journalist suffering from neurological problems, lost consciousness as a result of ill-treatment following his arrest in May 1995. A number of persons detained from the Ogoni community since 1994 were also reported to have suffered ill-treatment and medical neglect. Baribor Bera, a co-defendant of since executed Movement for the Survival of the Ogoni People (MOSOP) leader Ken Saro-Wiwa, was allegedly stripped naked, tied to a pillar, flogged with a horsewhip, and forced to swallow his teeth which had been knocked out as a result of beatings. Clement Tunsima, another member of the Ogoni community detained without charge since May 1994, reportedly died in August 1995 after suffering medical neglect while in detention. Benjamin Bere and a number of other persons arrested on 3 June 1994 were held for five weeks by soldiers at a military camp in Bori, Ogoniland, where they were allegedly beaten each day with a cane, and were given food only every three days. Benjamin Bere required hospital treatment for injuries to his back and chest suffered as a result of the beatings.

349. Adoba Bamaiyi, arrested on 6 May 1995 on allegedly trumped-up charges of robbery, was reportedly subjected to torture, including severe beatings, at Ajeromi police station, Apapa, Lagos State, as a result of which he was compelled to write a statement as dictated by his interrogators. He was transferred to the Anti-Robbery Squad headquarters at Ikeja, where a police officer allegedly fired a number of shots from a pistol into his left foot, causing him to lose consciousness. The next day he was allegedly subjected to further torture, including suspension by an iron rod between two pillars while his hands were tied behind his back and beatings with an iron bar. He was released on 15 May and admitted to a military hospital for treatment.

Urgent appeals

350. The Special Rapporteur made an urgent appeal in conjunction with the Chairman of the Working Group on Arbitrary Detention on behalf of 17 MOSOP supporters who had been detained in Ogoniland and Port Harcourt since late March 1996, allegedly to prevent them from meeting with the United Nations mission that visited the region on 9 and 10 April 1996. They were identified as Tulee Gokana, Tonny Goddy, Kpoobari Deeker, Yaayaa Sigalo, Bariaalo Kpoora, Barida Biee, Sunday Torbel, Joseph Deekor, Hawkin Poronen, Adolphus Gbarabe, Barinem Zighako, Josephine Zighakol, Tembari Mene Gbigha, John Baaba, Chief Sunday Legbara, Mrs. Mercy Legbara and Bariture Legbara. Some of them were said to remain detained at a military camp in Afram. In addition, Anyakwee Nsirimovu, the Executive Director of Human Rights and Humanitarian Law (IHRHL), was reportedly arrested during a raid on IHRHL headquarters in

Port Harcout on 27 March 1996. The authorities were reportedly looking for documents, including a report on the trial of Ken Saro-Wiwa. His whereabouts were unknown.

351. Two other urgent appeals were sent by the Special Rapporteur, one on 17 June 1996 on behalf of Nnimmo Bassey, Chairman of the Environmental Rights Action and the Southern Zone of the Civil Liberties Organization, who was reportedly arrested on 5 June 1996 while leaving Nigeria to attend an environmental conference in Ghana. The second one was sent on 13 December 1996 on behalf of Olabiyi Durojaiye, founding member of the National Democratic Coalition, reportedly arrested in Lagos on 3 December 1996 by officers of the State Security Service.

Pakistan

352. By letter dated 9 October 1996 the Special Rapporteur transmitted to the Government the cases summarized in the paragraphs below.

353. Shanaz, a 13-year-old girl employed as a housemaid in Lahore, was reportedly raped by her employer's son and threatened with death if she reported the incident. After her parents approached the employer regarding the incident, the employer allegedly filed a false case of theft against Shanaz and, as a consequence, she was arrested in October 1994. After a habeas corpus petition had been filed in the Lahore High Court by her brother, she was discovered in the home of a police subinspector in Model Town. The subinspector had allegedly raped her repeatedly in custody.

354. Kaki, a 15-year-old Hindu girl, was reportedly abducted on 3 January 1995 from a temple in Giddu, Hyderabad district, by two army soldiers. A preliminary medical report confirmed that Kaki had been raped. Her parents allegedly received threats from the police to make them drop the charges against the soldiers.

355. Niaz Bibi, reportedly detained by the excise police on 1 May 1995 following a raid on her home to search for her brother-in-law, was allegedly kicked and beaten with sticks by police demanding money from her at the interrogation centre of the Excise Department.

356. Seema Zarin, a worker for the Mohajir Quami Movement (MQM), was reportedly arrested in Nazimabad on 31 August 1995. While interrogated about her MQM activities at the Crime Investigation Agency (CIA) centre in Civil Lines, Karachi, she was allegedly blindfolded, beaten and kicked.

357. Aslam Sabzwari, a former MQM counsellor arrested on 6 July 1995 by plain-clothes officers in Nazimabad, reportedly died following interrogation in the Special Investigation Cell in the Federal B area of Karachi. The Sindh government apparently ordered an inquiry into his death.

358. Shazia Bano, a 17-year-old pregnant woman, was allegedly raped by police officials in front of her husband, Farooq da da, alias Farooq Patni, at their home in Karachi on 2 August 1995. A number of officers had reportedly raided the home and severely beaten Farooq, his father-in-law Abdul Samad, and his brothers-in-law Abdul Wahid (aged 14) and Abdul Abid Abdul Sajid. (It was

alleged that Farooq was subsequently extrajudicially executed in an "encounter" at the airport area, while the other family members remained in custody.)

359. Tariq Hussain Rizvi, an MQM worker arrested by police on 16 August 1995, was reportedly held incommunicado at CIA Jamshed Quarters police station in Karachi. He was later transferred to jail, where he died on 1 September. The autopsy report listed 26 injuries.

360. Farhan Effendi, a journalist, was reportedly abducted by plain-clothes members of the Rangers in Hyderabad on 14 September 1995 and handed over to the Cantonment police station the next day. He was allegedly beaten severely.

361. Feroze Uddin, an MQM worker from North Karachi, was reportedly arrested on 19 September 1995 and remanded in police custody on charges of assault on public servants. He was eventually taken by police and Rangers before a judge of a Special Court for the Suppression of Terrorist Activities. The judge reportedly commented on the numerous injuries to his body and ordered that he be remanded to judicial rather than police custody and that he be provided medical care. Those orders were allegedly ignored. He died on 28 or 29 September of gunshots inflicted in an alleged "encounter" with police.

362. Sayeed Hassan, reportedly arrested without charge on 12 December 1995 in New Karachi, was allegedly beaten by police at Buffer Zone police station in front of his brother. He died the following day, with his body bearing the marks of numerous injuries and bruises and his face swollen in the area where his beard had been pulled out.

363. Shahid Dehalvi, an MQM worker reportedly arrested on 14 December 1995, was allegedly subjected to torture at New Karachi police station, including electric shocks, slashes with sharp instruments, burnings with cigarettes and hot rods, and the removal of his nails and hair. He was reportedly taken to Hyderabad and extrajudicially executed on 22 December 1995.

364. Ashiq Mugal, an executive member of the Jammu Kashmir National Student Federation (NSF), was reportedly detained in Muzafarabad, Azad Kashmir, on 9 February 1996. At the police station he was allegedly tortured, including being hung upside down as well as being placed into an apparatus identified as a shakanja (which is said to have the effect of twisting the body into a contorted position), after which a roller was used on his leg. He was later released and hospitalized.

365. Khoja Hassan Mehmood, a member of the National Executive Council of the National Awami Party, was reportedly detained in Muzafarabad on 11 February 1996 during a rally in commemoration of the death of Shaid Mohammad Maqbool Butt. At City police station he was allegedly kicked and beaten with sticks by about 20 officers. He lost consciousness and awoke unclothed and in handcuffs and leg fetters at Danna Khaelli police station. The police allegedly placed him in a shakanja with a rope around his neck and beat and kicked him. During the next two days of interrogation he was allegedly hung upside down for over 40 hours and warned to discontinue his political activities.

366. Mehmood Baig, Chairman of a Muzafarabad college unit of the NSF, was reportedly arrested at the same rally as Khoja Hassan Mehmood. At City police station, he was allegedly blindfolded, placed in leg fetters, stripped of his clothes and subjected to a beating of 30 lashes. On 13 February he was transferred to Danna Khaelli police station and allegedly subjected to torture by the police, including beatings with sticks, being forced to consume human excrement and having a stick inserted into his penis.

367. Amir Khoja, a member of the Jammu Kashmir NSF from Degree College, Muzafarabad, was reportedly arrested around 11 February 1996 during a rally in Muzafarabad and then taken to a "torture cell" where he was allegedly punched and beaten with sticks by around 40 police officers. His torture was said to include having a stick with chili powder inserted into his anus and beatings with sticks until he lost consciousness. He was also allegedly hung upside down with a rope, after which the rope was released, causing him to fall to the ground and sustain a severe injury to his head.

368. Salim, son of Laila Khan, Landhi, Karachi, was reportedly arrested on 6 April 1996 and tortured at New Karachi police station. The police allegedly pulled his legs wide apart, leaving him chronically unable to walk.

369. Rashid Ameen, an MQM worker, was reportedly arrested on 13 April 1996 and remanded into police custody at New Karachi police station. There he was allegedly subjected to torture, including beatings with rifle butts and electric drilling. His body was produced by police on 27 April, with the explanation that he had been killed in an "encounter". His body was said to bear signs of mutilation, including deep cuts and a broken arm, leg and nose.

370. Abdus Saboor was reportedly arrested on 8 May 1996 because calls connected with MQM activities had been made on his phone. At New Karachi police station he was allegedly hung upside down and subjected to torture, causing him to vomit blood. He was reportedly left on the street close to his house and died shortly thereafter. A medical examination was said to have revealed that his death had resulted from torture.

371. Nasir Bande Ali, an MQM worker, and his brother, Akbar Bande Ali, were reportedly arrested from their home by an officer of the Khawaja Ajmer Nagri police station on 12 May 1996. They were allegedly subjected to torture, including cuts all over their bodies. Nasir Bande Ali was reported to have been summarily executed by shooting on 23 May 1996.

Urgent appeals

372. On 5 March 1996 the Special Rapporteur made an urgent appeal in conjunction with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of Syed Ashraf Ali, Syed Naushad Ali, Syed Nusrat Ali and Mohammad Saleem, who were reportedly arrested on 29 February 1996, and Tanvir Adil Siddiqui, Ovais Siddiqui and Azizi Mustafa, who were reportedly arrested on 27 February 1996. They were all arrested without warrant in Karachi by members of the Rangers who reportedly handed them over to the police. They were being held incommunicado.

Other communications transmitted to the Government

373. On 16 June 1996 the Special Rapporteur together with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers advised the Government that they had learned of the murder by two assailants of Nizam Ahmed, a former Justice of the Sindh High Court and a member of the Pakistan Bar Council, and his son Nadeen Ahmed. Nizam Ahmed had reportedly been receiving anonymous death threats in which demands were made that he withdraw a case that he had filed with the Sindh High Court in Karachi. Although he had reported the threats to the authorities, no steps were apparently taken to investigate the threats or provide him with protection. In addition, Nizam Ahmed had reportedly been questioned by members of the Intelligence Bureau following a dinner he had with the Special Rapporteur during the latter's visit to Pakistan in March. Two other persons present, S.S. Pirzada and Mohammed Akram Sheikh, were also questioned. Akram Sheikh had received previous death threats relating to his activities as a lawyer. The Special Rapporteurs called upon the Government to investigate the threats against and murder of Nizam Ahmed and Nadeen Ahmed and to investigate the threats against Akram Sheikh and ensure his safety.

Paraguay

374. By letter dated 6 August 1996 the Special Rapporteur told the Government that he had received information according to which César Barrios, aged 18 years, a member of the Conscientious Objection Movement, had been arrested by soldiers on 4 November 1995 while travelling in a bus towards the town of Pirapey, Department of Itapua, to take part in a workshop on conscientious objection. Allegedly, on arrival at the headquarters of the Third Cavalry Division in Ciudad del Este, they applied to him a cloth dampened with formalin which put him partially to sleep, so that he fell to the ground, where they kicked him and threatened to rape him. Next they reportedly tied him to a chair and threatened him with a knife to make him give information on the conscientious objection movement in the country. It is claimed that they used formalin on him a second time and, all through the night, prevented him from sleeping. During 1995 three other conscientious objectors were allegedly arrested: Venancio Vera, aged 15, Pablo Osorio, aged 15, and Sebastián Coronel. All of them, it is claimed, were arrested in San Joaquín by the police chief, who handed them over to the Oviedo Recruitment and Mobilization Centre, where they were allegedly beaten and subjected to harassment for four days.

Peru

375. By letter dated 16 September 1996 the Special Rapporteur reported to the Government that he had received information on the cases referred to in the following paragraphs.

376. Gilber Sánchez Minaya, residing in the locality of La Aguaytía in the Santa Anita settlement, province of Padre Abad, Department of Ucayali, was arrested together with other persons on 29 May 1994 by members of the Peruvian Navy. Taken to the La Aguaytía Naval Base, he was allegedly given electric shocks and repeatedly beaten.

377. Irma Villaverde Ríos, aged 19, and her partner Guillermo Romero Cierto, residing in Pucallpa, were arrested on 2 June 1994 by members of the Peruvian Navy on arrival at the naval checkpoint in Huipoca. Later they were taken to the Huipoca base and to the one in La Aguaytía (Department of Ucayali), where Irma Villaverde was allegedly beaten, raped and subjected to electric shocks. Guillermo Romero Cierto was allegedly also beaten and subjected to electric shocks.

378. Jesús Vladimir Osorio Anaya, a student, was arrested on 16 January 1995 during a police operation carried out in the Avenida Universitaria by group Delta One of the National Directorate against Terrorism (DINCOTE). He was taken to DINCOTE premises where he was allegedly kept incommunicado. Nevertheless, his family was able to receive written notes from him saying that he had been tortured. On 8 February his family brought habeas corpus proceedings before the rota criminal court, which ordered forensic medical examinations whose findings allegedly proved that the detainee bore obvious lesions, despite the existence of a forensic medical certificate, dated the day after he was brought to DINCOTE premises, which apparently states that the detainee displayed no lesions of any kind.

379. David Paullo Morveli was arrested on 6 March 1995 in Jauja, Junín, by soldiers who took him to the military base at that place, where he allegedly underwent ill-treatment. As delegate of the peasant community of Cubantia, province of Satipo, Junín, he had reportedly been arrested on other occasions, in particular on 3 February 1995, when they had allegedly taken him to a river bank and tried to drown him, as well as beating him while he was tied to a tree. At the same time, it was claimed, several soldiers had raped his wife. A few months later, it was said, David Paullo Morveli and his family left the country.

380. Tomás Flores Huanio was arrested together with other persons on 19 April 1995 by Peruvian naval personnel stationed at Contamana, San Lorenzo, administrative area of the district of Sarayacu, Ucayali, when he attended a meeting convened by the said personnel. Allegedly, during his detention he was subjected to torture and was in an extremely enfeebled condition, which was why he had lodged a complaint with the rota Provincial Prosecutor's Office, Pucallpa.

381. José Eugenio Chamaya Rumacharis was arrested on 22 September 1995 by police from the Santa Felicia station, Lima, who allegedly beat him and submerged him in water. A few hours later he died from cardiac arrest. A lieutenant and a subordinate member of the national police, considered responsible for what had occurred, were reportedly placed at the disposal of the Fortieth Penal Prosecutor's Office, Lima.

382. Justo Otiniano Quiñones, Vice-President of the Conchamarca, La Libertad, Peasant Patrol, was arrested on 30 March 1996 by army personnel from the Retamas base. During his detention he was allegedly beaten severely. They also reportedly bound him hand and foot and threw him into a pool of water, where they went on beating him.

383. Juan Gutiérrez Silva was arrested on 6 July 1996 by a soldier who accused him of shooting at his girlfriend and took him to the provincial

headquarters of the national police at Tocache, San Martín, where he was allegedly beaten. A medical report is said to have confirmed the presence of cranial and abdominal injuries and of multiple knife wounds.

384. On the same date as stated above the Special Rapporteur again submitted to the Government the case of Justiniano Hurtado Torres, first transmitted on 10 July 1995. This person was arrested on 27 November 1994 in the village of San Pedro de Chío, Huánuco, by navy personnel who allegedly tortured him. Later he was reportedly handed over to the national police at La Aguaytía. On 11 December he was taken to the health centre in a coma and died a few hours later. The Government replied that, during his stay in the premises of the national police, Mr. Hurtado was properly treated, and that his death was due to natural causes. Information on this case received later from non-governmental sources indicates that the provincial prosecutor of Padre Abad had decided to file definitively the criminal charge of aggravated homicide brought against the commandant of the La Aguaytía naval base and an officer of the national police. On 14 February 1996 the Senior Public Prosecutor of Ucayali ordered that the charge should be filed definitively. The sources mentioned considered this decision blameworthy since it left the acts in question unpunished. The Special Rapporteur requested the Government to provide comments on the reasons for the claim that the death was due to natural causes, including the forensic medical report if any.

Information received from the Government on cases transmitted in prior years

385. In July 1995 the Special Rapporteur transmitted to the Government the case of Jhoel Huamán García, who died while in police custody at Pasco. For its part, the Government replied that disciplinary measures had been taken against those responsible. On 15 May 1996 the Government sent supplementary information according to which the members of the national police force concerned in the case had been incarcerated at the Cerro de Pasco penal establishment, with a warrant for their definitive detention.

Urgent appeals and the Government's replies

386. On 3 January 1996 the Special Rapporteur sent, jointly with the Special Rapporteur on the Independence of Judges and Lawyers, an urgent appeal on behalf of Lori Berenson, a United States citizen arrested by the police on 30 November 1995 and charged with participating in acts of terrorism.

387. Another urgent appeal was sent on 5 March 1996, this time on behalf of Magna de la Cruz Vásquez, a social worker arrested in Lima on 28 February 1996 by members of DINCOTE. On 29 August 1996 the Government reported that she had been cleared of the charges laid against her.

Philippines

388. On 4 June 1996 the Government replied to a number of cases that the Special Rapporteur had transmitted on 18 September 1995 (see E/CN.4/35/Add.1, paras. 559-560 and 562). The replies are summarized in the paragraphs below.

389. Ruben Palmones was allegedly beaten severely by Philippine Army soldiers on 10 August 1994. According to the Government, the alleged victim had stated

that he was not interested in pursuing any case against the soldiers, as he did not know their identities and because they had only been performing their job when they brought him to the army camp. Because he did not wish to file a complaint and because the soldiers were in actual performance of their duty when the incident occurred, there was no basis to file administrative or criminal charges against the perpetrators and the file was closed for lack of evidence.

390. In the cases of Renante Gamara, Pedro Baba Jr., Bonifacio Ilagan, Bernardo Aragoza and Ana Pagcaliwagan, who were allegedly tortured at a series of safe houses by officers of the Philippine National Police Corillera Regional Command (PNP-CRECOM) on 26 August 1994, the personnel who had participated in their arrest had vehemently denied allegations of torture or ill-treatment. Records indicated that the detainees had not been tortured or ill-treated, as evidenced by a medical certificate showing them to be in good physical and mental condition and revealing no indication of maltreatment or injury on their bodies. The criminal charges against the alleged victims had been dismissed by the Provincial Prosecutor for the failure of the personnel to follow the legal doctrine of "reasonable suspicion founded on probable cause".

391. Jerry Buttial, who was allegedly tortured following his arrest on 31 March 1995, had been charged with the murder of a police officer and his case was being heard at the Manila Regional Trial Court. During the custodial investigation he had been duly apprised of his constitutional rights and had chosen to remain silent. He had been visited by his relatives, as well as by representatives of non-governmental organizations. He had received medical examinations at his own request and had been interviewed by the media. He had never been subjected to torture or any form of harassment.

Poland

392. By letter dated 10 June 1996 the Special Rapporteur advised the Government that he had received information on the case of Maciej Czarnocki, who was reportedly beaten by police officers on 30 September 1995 in the centre of Warsaw. On 9 September 1996 the Government replied that Maciej Czarnocki had been observed by two officers stumbling in the middle of the street and had refused to produce his identification. When asked to get into the police car he had thrown himself on the floor and screamed, "People, help me." During the drive in the car he hit his head against the window and kicked with his feet in the back seat. A doctor who examined him the next day found bruises on his chest, hands and thighs. On 5 October 1995 Maciej Czarnocki filed notice alleging brutal treatment and theft by the police officers. The District Prosecutor's Office in Śródmieście carried out an investigation and decided on 1 February 1996 to discontinue the proceedings because the circumstances lacked the characteristics of an offence. As the decision was issued by a body independent of and superior to the police, the accusations against the police officers should thus be regarded as unfounded.

393. The Special Rapporteur also transmitted the case of Olaf Nehring, a German national, who was reportedly pulled out of his car, beaten and kicked by four police officers on 25 November 1995, near the border between Poland and Germany. At the police station in Zary he was allegedly kicked, thrown

down a flight of stairs, dragged up the stairs while being held by his handcuffs and denied food or drink for two days. He was charged with assaulting police officers. A medical examination revealed multiple bruising of the thorax, the left upper arm and wrist, abrasions to the left wrist and right index finger and both knees and abdominal trauma. The Government replied that Olaf Nehring, who had been stopped for speeding, had refused to show his documents and had then pushed a police officer away from his car and hit him in the face. The police officer then applied measures of direct coercion, using overpowering grips and handcuffs. Olaf Nehring underwent a medical examination before being taken to the police detention room, but the doctor found nothing untoward.

Portugal

394. By letter dated 10 June 1996 the Special Rapporteur informed the Government that he had received information on the two cases summarized below. The Government replied to them by letter of 17 September 1996.

395. Joaquim Teixeira reportedly had an argument with officers of the Public Security Police (PSP) outside a club in Vila Real on 19 June 1995. He was then arrested and taken to the local police station, where he was allegedly beaten with a truncheon, kicked and punched. A medical certificate reportedly indicated that he had received stitches for three head wounds and had sustained injuries to his back, chest, sides and face. The Government reported that following the complaint filed by Mr. Teixeira charges of bodily harm had been brought against one member of the PSP.

396. Duarte Teives, a lawyer, reportedly had an argument with PSP officers about a parking place. He was allegedly kicked and beaten repeatedly, as a result of which he suffered a fractured leg. The Government reported that proceedings on this case were under way.

Information received from the Government with regard to cases included in previous reports

397. By letter dated 16 October 1996 the Government transmitted information on the cases mentioned in the following paragraphs.

398. Carlos Robelo, arrested on 3 March 1993 in Lisbon and allegedly beaten severely by judicial police officers. The Government reported that no judicial proceedings were initiated with respect to this case. It also reported that, according to a report from the judicial police, Mr. Robelo's injuries were due to the fact that he had tried to escape and the police therefore had to force him into their vehicle. The fractures, however, were not due to police action.

399. Orlando Correia, allegedly assaulted by judicial police officers on 9 September 1992 in Guarda prison. According to the Government, the court in charge of the proceedings decided to file the case for lack of evidence corroborating Mr. Correia's account of the facts. A similar decision was taken by the organs in charge of the disciplinary proceedings.

Republic of Korea

400. By letter dated 24 January 1996 the Special Rapporteur transmitted the case of Park Chang-hee, aged 63, who was reportedly arrested in April 1995 by the Agency for National Security and Planning (ANSP) under the National Security Law. During 19 days of interrogation, he was allegedly subjected to sleep deprivation, hit with books, and forced against his will to drink alcohol. This ill-treatment reportedly pressured him into signing a "confession" to membership of the North Korean Workers' Party. He tried to withdraw the confession during questioning by the prosecution, but was allegedly beaten and threatened as a result. On 29 April 1996 the Government replied that Chang-hee Park had filed a complaint alleging torture and ill-treatment, which prosecutors were investigating.

401. The Special Rapporteur also transmitted the case of Park Young-saeng, a staff member of the National Association of Street Vendors, who was reportedly arrested with 12 other street vendors on 26 August 1995. At Song-dong police station they were reportedly beaten; Park Young-saeng was allegedly subjected to various forms of torture while his hands and feet were tied to a stick and the stick was hung between two tables (the "barbecue" position). After he asked to be taken to hospital, he was allegedly strangled and beaten on the abdomen. He was also reported to have had his mouth taped shut with a gasoline-soaked towel stuffed into it. The Government replied that Young-saeng Park had attacked and threatened the investigating officers and kicked the desk-top glass. There was no evidence to support claims that he was beaten. He had not been stripped of his clothes, but had taken them off of his own accord. During his detention, he began to fast and beat his body against the iron bars. He was therefore handcuffed and bound with a rope and placed in solitary confinement. As he was continuously yelling and screaming and keeping the other prisoners from sleeping, a towel was taped around his mouth, but it was removed after 10 minutes. There was no evidence to support claims that he was tortured. At the police station he did not make any such claims, but had alleged torture only at the district court trials.

402. In a subsequent letter dated 24 September 1996 the Special Rapporteur informed the Government of reports that he had received indicating that during the course of police operations between 10 and 22 August 1996 against students from a number of universities staging a demonstration at Yonsei University in favour of the reunification of the Korean peninsula, a substantial number of persons were arrested and subjected to severe beatings, including Yi Seung-joon, Myoung Ho and Yi-Jae Hyun. Others were reportedly injured by excessive tear-gassing, beatings with batons and being struck by rocks and tear-gas bombs, including Kim Hyun-ki, Tak Soo-Keun, Oh Seung-joon, Jung In-sun, Kim Jae-hong and Yoo Jung-hyup.

403. On 20 August, around 5,000 special task force officers reportedly stormed the general building at Yonsei University. Many of the 1,800 students inside were allegedly dragged out of the building and beaten with fists and police batons and some were made to crawl over pieces of broken glass and bomb shell fragments. A number of female students were allegedly sexually molested during the course of the operation. Yang Han-seung was allegedly beaten all over his body by some 10 officers, resulting in injuries requiring 21 stitches. Cho Hyoung-kyu was allegedly kicked in the face by an officer,

as a result of which teeth were broken. Oh Oon-shik was reportedly struck by a tear-gas bomb, which damaged his cornea and left him in need of surgery.

404. At the time of the above-mentioned operation in the general building, some 2,500 students who had been occupying the science building reportedly began to leave the premises through the west gate of Yonsei University. Many of the students were allegedly beaten with batons or kicked by police in the residential area around the gate, including inside some residences. Park No-chil was allegedly beaten severely on the face, resulting in the breaking of eight of his teeth and a severe cut to the mouth, and was subsequently taken to hospital. Kim Kang-shik was allegedly beaten on the head with batons and taken to hospital, where he received 10 stitches. Cho Yoon-joo was allegedly kicked and beaten with police batons and shields after she had fallen down while trying to elude the police. She was then allegedly beaten further in the police van. A number of students were also reportedly subjected to ill-treatment following arrest, including Kim Man-soo, Jung Jae-hoon and Hong Sae-hee.

Romania

405. By letter dated 7 August 1996, the Special Rapporteur transmitted to the Romanian Government information on the following cases.

406. Ioan Epure was arrested in March 1993 by the Paşcani police on suspicion of murder. During the investigation, he was reportedly stripped and beaten with iron bars and rubber truncheons and his chest compressed with a board beaten on with a hammer. The Iaşi Military Prosecutor's Office had decided not to prosecute the police officers, but the Bucharest Military Prosecutor's Office reversed that decision in April 1994, deciding to make a further investigation.

407. Liviu-Petrişor Oprea was taken to the Câmpina police station in April 1993. When his father came to look for him, he reportedly found him lying on the ground with signs of blows to the head and nape of the neck. The hospital to which he was taken is said to have diagnosed cranial and cervical injuries. The Bucharest Military Prosecutor's Office allegedly decided to order the police officers responsible to be prosecuted for abusive conduct. The trial before the Bucharest military tribunal is reported to be under way.

408. Robert Radu, 18 years of age, was reportedly arrested on 10 January 1995 in Constanta for attempted rape. He was allegedly beaten at the municipal police station, then taken to hospital and admitted for treatment of multiple contusions, an open fracture and bruises. An investigation has reportedly been opened.

409. Ilie Cojoc was reportedly arrested on 14 January 1995 and taken without explanation to the Suceava departmental police station, where he was beaten during his four days of detention. The medical certificate allegedly mentions, inter alia, multiple lesions on his entire body and inflamed and infected kidneys. Four police officers are said to have been charged with illegal arrest and investigation.

410. Kiss Istvan was reportedly visited on 23 January 1995 by three police officers who were to escort him to the Satu-Mare tribunal, where he was scheduled to appear as a witness. Two hours later, he was allegedly found in the street near the police station in a very serious condition. He was reportedly rushed to the hospital, where he died.

411. Viorel Constantin was reportedly beaten severely by police officers and two constables from whom he had requested an explanation regarding the ill-treatment inflicted several days previously on his 14-year-old son for failure to carry an identity card. The alleged incident took place on 2 April 1995 outside a bar in Tăndărei (125 kilometres east of Bucharest). The certificate issued on the following day by the Slobozia forensic laboratory indicated, inter alia, the presence of multiple contusions on his chest and back, a cracked clavicle and a ruptured left eardrum.

412. Gabriel Mitu, 16 years of age, was reportedly arrested on 3 July 1995 on suspicion of theft and taken to the Sudiţi (Ialomiţa) police station. When his father-in-law, Alfred Pană, came to request an explanation of this arrest, he too was arrested and beaten. In particular, the police chief and his assistant are alleged to have beaten Mr. Pană's head against the walls. It is reported that Gabriel Mitu and Alfred Pană were released on the following day. Alfred Pană allegedly complained of headaches and abdominal pains and, on 6 April 1996, was reportedly found dead. An investigation has allegedly been opened by the Bucharest Military Prosecutor's Office.

Information received from the Government on cases included in previous reports

413. By letter dated 8 January 1996, the Romanian Government provided further information on the following cases transmitted by the Special Rapporteur in 1993 and 1994.

414. Viorel Baciu was reportedly tortured in 1988 at the Suceava police station in an effort to make him confess to the crimes of which he was accused. According to the Romanian Government, two police officers were prosecuted during 1994 by the Bacau military prosecutor.

415. Mihai Poteras was reportedly beaten in 1993 at the Pascani police station. According to the Romanian Government, the Iasi Military Court sentenced two police officers to one and two years of prison, respectively, for illegal investigation.

416. Gheorghe and Dorin Anghel were reportedly beaten by police officers on 3 August 1994 in Sugag. According to information provided by the Romanian Government, the military prosecutor decided not to prosecute the police officers.

Russian Federation

417. By letter dated 23 September 1996 the Special Rapporteur advised the Government that he had continued to receive information concerning cases of persons allegedly tortured or ill-treated during the course of military

operations in the Chechen Republic. The allegations from the Chechen Republic as well as two other cases transmitted to the Government are summarized in the paragraphs below.

418. Magomed Butsaev, a senior instructor in a railway civilian guard unit, and a number of his fellow villagers, including Ruslan Serbev, Salman Tselikov, Katash, Yahya Beisultanov, Wahid Magomadov, Aslan Ginaev, Subyar Daudov, Ali Chadyev (a Chervlenaya military administration chief), Ramzan Tolsultanov, Beslan Tolsultanov, Khalazhi Gabarov and Pasha, were reportedly detained in Chervlenaya and beaten at a nearby base by soldiers wearing masks on 14 January 1995. On 15 and 16 January the detainees were allegedly threatened with death and made to stay motionless on their knees with their hands tied behind their backs; those who moved were beaten. A number of the detainees were subsequently transferred to the "filtration" camp in Mozdok and subjected to further beatings. Magomed Butsaev was allegedly given electric shocks during interrogation by masked officials, before being released on 24 January. The detainees were said to have sustained bruises and some, including Magomed Butsaev and Yahya Beisultanov, reportedly suffered broken ribs. Magomed Butsaev subsequently left Chervlenaya to receive medical treatment in Dagestan.

419. Salimhan Sultanovich Temurziev, an Ingush living in Grozny, was reportedly detained by Russian soldiers on 9 January 1995. At the army headquarters at a cannery, he was allegedly tied to a pole, beaten, cut with knives and burned with cigarette butts. He was subsequently transferred to the "filtration" camp at Mozdok where he was allegedly beaten with clubs, kicked and punched in order to make him confess to taking part in rebel activities.

420. Magomed-Rashid Akhmetovich Pliev, an Ingush journalist residing in Grozny, was reportedly detained on 17 January 1995. At the Mozdok "filtration" camp, he was allegedly beaten, including with clubs and rifle butts, and subjected to electric shocks. The reported purpose of the torture was to coerce him into admitting to being a Chechen rebel fighter. He was released on 24 January and removed to Ingushetia.

421. Wahid Mikhailovich Tsomaev was reportedly detained in Assinovskaya on 18 January 1995, having fled there from Grozny to escape the war. He was taken to Mozdok and allegedly beaten, hung by his handcuffs and subjected repeatedly to electric shocks. On 26 January he was taken by helicopter to Khasavyurt, Dagestan, where he was reportedly exchanged for Russian prisoners of war.

422. Shahid Isidovich Batashev was reportedly detained on 29 January 1995 at a checkpoint near Assinovskaya and allegedly beaten while blindfolded with his hands tied. He was subsequently transferred to the airport at Sleptsovskaya, where officials allegedly broke his nose with a club and broke his jaw with a rifle butt. He was then transported to Mozdok by helicopter and allegedly beaten again, before being released four days later. In addition to the broken nose and jaw he was also said to have sustained three broken ribs and injuries to his liver and to a kidney.

423. Olga Sokulova was allegedly raped by four masked soldiers during a raid on her house in Assinovskaya in January 1995.

424. Isani Hanoev, a villager from Assinovskaya, was reportedly detained on 25 March 1995, along with his father and two other villagers. The four men were allegedly blindfolded and beaten before being taken to a nearby army base, where Isani Hanoev was tortured and subjected to electric shocks. They were transferred to Mozdok by helicopter on 29 March. During the journey and upon their arrival at the airport they were reportedly beaten with rifle butts and kicked. Isani Hanoev was released on 6 April after signing a "no-grievance" statement.

425. Ruman Suleimanov and his 16-year-old brother, Adlan Suleimanov, were reportedly beaten by soldiers at their home in Samashki on 8 April 1995. Ruman and about 80 other detainees were later taken to an army base in the Sunzha mountain range and were allegedly beaten along the way. After being interrogated and released at Saptsovskaya, Ruman was reportedly hospitalized for injuries suffered as a result of the severe beatings, including three broken ribs and a fractured thigh-bone.

426. Makhmudemin Denisultaevich Iziev, reportedly detained at a checkpoint of the Interior Ministry forces (MVD) between Samashki and Sernovodsk on 7 April 1995, was taken in a car blindfolded and handcuffed along with a number of other detainees to a location near Assinovskaya. There he was allegedly beaten repeatedly, especially on the kidneys and chest. He was also allegedly subjected to electric shocks, including to the mouth. He reportedly lost consciousness several times and suffered burns to his nose. He was transferred by helicopter to Mozdok on 10 April and allegedly beaten again, before being released on 18 April.

427. Dmitry Valeryevich Kalitsinsky, V.N. Uyupin and K.E. Shekhovtsov were reportedly arrested on 4 November 1994 by police officers in Uglegorsk, Sikhalin region, in connection with a robbery which had occurred on the previous evening. Uyupin and Shekhovtsov were driven into the outlying hills and allegedly beaten with iron rods in order to make them confess to the robbery. Shekhovtsov was then reportedly taken to a cemetery, shown a pistol and told to dig his own grave, after which he admitted to robbing the shop. Kalitsinsky was taken to the police station in Uglegorsk where he was allegedly beaten and hit over the head with a chair so that he would confess to the robbery. Later all three detainees were allegedly beaten by police officers. Kalitsinsky was allegedly chained to a radiator, beaten and kicked, causing him to suffer a concussion and bruised ribs. On 7 November, Kalitsinsky reportedly informed the district procurator that officers had ill-treated him, but no action was taken. He was released on 2 December 1994, but rearrested three days later, allegedly because had told his family and villagers about his ill-treatment. He filed a statement against the officers allegedly responsible in July 1995, but withdrew it under pressure from officials in prison. The three men were reportedly convicted of the offence, despite the fact that Kalitsinsky and Shekhovtsov had withdrawn statements that had allegedly been extracted under torture. Kalitsinsky was given a six-year custodial sentence on 6 March 1996.

428. Sultan Kurbanov, a Chechen living in Moscow, was reportedly detained from his flat in Moscow by two police officers on 16 January 1996. He and his family were told that he was to be taken to police headquarters at Ulitsa Petrovka 38, but he was instead brought to a warehouse or depot in the region of Kuntsova. There some ten persons emerged from a bus parked nearby and allegedly beat him severely with batons and sticks. A local person who discovered him wounded on the street took him to the nearest police station, but the police allegedly refused to help. A relative later took him to Moscow city hospital number one, where he allegedly overheard a conversation among nurses to the effect that under orders from the head doctor, they could not treat Chechens. The relative then reportedly told the hospital staff that Sultan Kurbanov was Ossetian, after which he received treatment, including stitches to wounds on his face and head.

Urgent appeals

429. On 20 March 1995 the Special Rapporteur transmitted an urgent appeal in conjunction with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Representative of the Secretary-General on internally displaced persons, concerning the situation in the Chechen Republic. A large number of persons had reportedly been killed, some deliberately, and many injured persons were trapped in Sernovodsk, following military operations. Humanitarian aid workers had been denied access to the area. Men between the ages of 16 and 55 in the towns of Sernovodsk and Samashki were reportedly being transferred to "filtration" camps.

Information received from the Government on cases included in previous reports

430. By letter dated 29 February 1996, the Government replied to the allegations the Special Rapporteur had transmitted in his letter of 18 September 1995 (see E/CN.4/1996/35, para. 140 and E/CN.4/1996/35/Add.1, paras. 568-573). Concerning the situation in the Chechen Republic, the Government stated that in the course of measures to restore the constitutional order in areas marked by fighting, some persons had been lawfully detained to check their identity and possible participation in serious crimes. From the time temporary "filtration" points had opened until 13 December 1995, 1,416 persons had passed through such points and 222 of them had been exchanged with the Dudaev faction. Seventy per cent of the detainees had been released after verification of their identities, while those suspected of having committed serious crimes had been sent to remand centres in Stavropol and Pyatigorsk. Many of the detainees, having come from areas of armed conflict, had sustained physical injuries. They had been given the necessary medical assistance. The office of the interregional procurator had constantly monitored the legality of their detention. Places of detention had been systematically visited by representatives of the International Committee of the Red Cross and the Organization for Security and Cooperation in Europe, deputies of the State Duma, leaders of the Chechen Republic and representatives of the mass media and of human rights organizations. They had been given the opportunity to hold confidential conversations with the detainees. No instances of human rights violations or violations of the law had come to light and no complaints or declarations of mistreatment of detainees had been made.

431. With regard to the individual cases from the Chechen Republic that the Special Rapporteur had transmitted, Chingizkhan Uveysovich Amirkhanov had been held in Mozdok from 11 to 16 January 1995 and Magomed Maksharipovich Meyriyev had been held in Mozdok from 12 January to 15 February 1995; they were later transferred to the remand prisons in Pyatigorsk and Stavropol respectively. Criminal proceedings had been instituted by the Office of the Procurator of the Ingush Republic for violations of law by these two men and by Azamat Paragul[illegible]. The investigatory authorities as yet had no evidence of violence having been used against these persons. To ensure that the matter would be investigated by qualified personnel, it had been transferred to the Caucasian Interregional Procurator's office. The investigation was being monitored by the Office of the Procurator-General of the Russian Federation.

432. As to the case of Andrei Vyacheslavovich Altukhov, who had allegedly been beaten nearly to death by police in Orel on 2 September 1993, he had been sentenced by the Zheleznodorzhny District People's Court in Orel in March 1994 to five years' imprisonment for theft. The Orel Regional Court had upheld the sentence. His allegation that the law was breached and that illegal methods were used against him during the investigation were checked and were proven unfounded.

433. In a subsequent letter dated 19 June 1996, the Government replied to the case of Arutyunyan Artyom and Karapetyan Karen, which had been transmitted by the Special Rapporteur in his letter of 12 December 1995 (see E/CN.4/1996/35/Add.1, para 574). They had allegedly been ill-treated at the Central Anti-Crime Department in Moscow in November 1995. The Government stated that A.G. Arutyunyan and K.P. Karapetyan had been arrested on 19 November 1995 on a complaint concerning an abduction by officers from the 8th section of the Regional Directorate for Organized-Crime Control of the Chief Directorate of Internal Affairs (RDOCD CDIA). They were subsequently released, pending an investigation of the abduction case. They claimed that RDOCD CDIA officers had beaten them and forced them to give evidence. After an inquiry by the city procurator's office, criminal proceedings were instituted under article 171, section 2, of the Russian Criminal Code (exceeding of power or official authority). The investigations, which were at a preliminary stage, were being undertaken by Moscow's Koptevskaya inter-district procurator's office.

Saudi Arabia

434. The Special Rapporteur made two urgent appeals on behalf of persons who had been sentenced to flogging. The first appeal, transmitted on 11 April 1996, concerned two secondary school students who had been sentenced by an Islamic court in Taif on 25 March 1996 for assaulting a teacher. Nasir Al-Shibani was to receive a three-month prison sentence and 210 lashes, 70 of which were to be administered before teachers and fellow students. Muhammad Majed al Shibani was to receive two months' imprisonment and 150 lashes, 75 of which were to be given in front of students and teachers. The second appeal, transmitted on 1 August 1996, was made on behalf of Emad Abd el-Raouf Mohamed Said, an Egyptian national detained in Alma prison

in Abha, who was reportedly sentenced in May 1996 to 120 lashes and five months' imprisonment for theft. He was said to have already received 80 lashes, with the remaining lashes to be administered on or around 5 August 1996.

435. The Government replied to the two flogging appeals on 20 November 1996. The Government also replied on 23 February 1996 to three urgent appeals concerning flogging that had been transmitted in 1995 (see E/CN.4/1996/35/Add.1, paras. 587-589). In the replies, the Government stated that it greatly regretted the Special Rapporteur's description of legal judgements handed down by a Shari'a court in an Islamic country as falling within the category of torture and cruel, inhuman or degrading treatment. The Government's regret bordered on indignation in the light of the Special Rapporteur's urging that it refrain from applying the penalty of flogging to those criminals. Flogging is a penalty prescribed by the Islamic Shari'a, which the Government considers to be a true source of security, right and justice. The supremacy of Shari'a was too great and sublime to be questioned by anyone, since it is God's law applicable to his servants and He knows best what is beneficial or detrimental to His creation. When a Shari'a court passes a sentence, the Government's role is to implement it, without intervening to have it increased or reduced, since everyone is convinced that the sentence is just, as it was handed down in the light of a fair trial in accordance with the Islamic legal system. Both the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment stipulate that torture "does not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions ... ." Thus, flogging is excluded from the definition of torture. Flogging is a penalty prescribed by the Shari'a on the implementation of which Islam insists in order to safeguard security and stability and establish standards and morals.

436. The Special Rapporteur made an urgent appeal on 6 March 1996 on behalf of Muhammad Samir Said Aljabari, a 60-year-old national of Jordan and civil servant in the Saudi Arabia General Accountancy Department, who was reportedly arrested in July or August 1995 in Riyadh and was being held incommunicado in Taif, where he had allegedly been subjected to torture. On 6 May 1996 the Government replied that he was under investigation, the results of which would be presented before the court. He had not been subjected to any kind of torture and had been allowed to contact his relatives in Jordan.

437. The Special Rapporteur made an urgent appeal on 9 April 1996 on behalf of Dr. Abdul Rahim Turan Gari Bai, who was reportedly arrested in early 1995 in Jeddah in connection with suspected political activities. He was said to have been held without charge or access to legal representation since his arrest and to have been subjected to torture. On 20 November 1996 the Government replied that during the investigation, he had enjoyed the legally stipulated guarantees protecting accused persons and had not been subjected to any form of pressure, coercion or torture.

438. The Special Rapporteur made an urgent appeal on 22 July 1996 on behalf of Abdullah Abbas al-Ahmad, Kamil Abbas al-Ahmad, Muhammad Ibrahim al-Ibrahim, Nasser 'Ali Rahim and Ali Hassan al-Dawood, who were among dozens of suspected

political and religious oppositionists reportedly detained by General Intelligence in al-Qatif, Sayhat, Turaif, al-Jarudy and al-Awamiya during the first half of July 1996. They were said to be held incommunicado at the General Intelligence building in Damman.

Senegal

439. By letter dated 10 October 1996, the Special Rapporteur informed the Government that it had received information concerning the cases summarized below.

440. Marène Ndiaye was arrested in September 1994 for receipt of stolen goods and taken to a police station in Dakar, where she was reportedly tortured and then released on the same day. The following day, she allegedly came to the police station in order to file a complaint. She is then said to have been arrested for a second time and taken to the beach, where several police officers raped her and poured a flammable solvent over her genital. She reportedly filed a complaint in September 1994 and, in July 1995, a police superintendent and four police officers are said to have been arrested.

441. Youba Badji, said to be a local official of the Mouvement des forces démocratiques de Casamance (MFDC), was reportedly arrested by soldiers on 24 January 1995 in his village, district of Niaguis, and tortured in order to extract a confession. In particular, melted plastic was allegedly poured over his body. It is reported that he was then murdered by hanging and his body buried by the soldiers.

442. Bakary Diédhiou was reportedly arrested and tortured by soldiers on 19 February 1995 in Bouloum, near Niaguis. They allegedly poured melted plastic over his body, leaving him with second- and third-degree burns. He is said to have died as a result of this torture.

443. Anice Sambou was reportedly arrested during the night of 4-5 April 1995 in Niaguis. The authorities are said to have suspected him of complicity with members of an armed independence movement. He was allegedly beaten with a rifle butt and died before arrival at the prison. According to some sources, his throat was slit at the Niaguis military camp.

444. According to information received, many acts of torture are directly linked to the situation in Casamance. For example, in 1995, it is alleged that most of those arrested in that region as a result of massive police raids were tortured during the first few days of detention. These acts reportedly took place at the central police station in Ziguinchor, in the Nema district. The detainees were then allegedly beaten and tortured in order to extract confessions or information regarding their supposed ties with the MFDC. The mayor of Goudoump, Demba Ndiaye, is also said to have been subjected to torture, which included blows to the nose and ears, but no investigation appears to have been opened.

Follow-up to cases transmitted in the past

445. On 3 March 1994, the Special Rapporteur addressed an urgent appeal to the Government concerning Lamine Samb, who had been arrested on 17 February in

Dakar and had died two days later at the main hospital. On 8 July 1994, the Government, denying the accusations of ill-treatment, reported that Lamine Samb had been hospitalized for vomiting and dizziness and that his autopsy showed that his death had been due to a heart attack. However, according to recently received information, Lamine Samb was deprived of food and tortured while in detention. In particular, he is reported to have been hung head-down by the ankles. The results of his autopsy have reportedly not been made public.

Slovak Republic

446. By letter dated 10 June 1996 the Special Rapporteur advised the Government that he had received information on the case of Lubomir Pollak, who was reportedly approached by several police officers while photographing a student demonstration in Bratislava on 6 September 1995. At the police station in Gunduličeva Street, he was allegedly subjected to ill-treatment, including a karate chop to his neck, pulling off his ears, several kicks, including one to the groin, and having a breathalyser forced into his mouth against his will. On 3 October 1996 the Government replied that Lubomir Pollak had been taken to the police station after he refused to show his identification. Because of his aggressiveness, he was handcuffed and self-defence grips were used against him. An investigation undertaken by the Office of the Inspection Service of the Police Corps and the Office of the District Prosecutor in Bratislava resulted in the filing of the case. The Government attached to its reply a copy of the report of the psychiatrist who examined Lubomir Pollak and diagnosed acute stress disorder.

Spain

447. By letter dated 11 July 1996, the Special Rapporteur informed the Government that he had received information concerning the cases summarized in the following paragraphs. The Government replied in a letter dated 26 September 1996.

448. Manuel Enrico Carvalho, a Portuguese citizen of Mozambican origin residing legally in Spain, was reportedly arrested in Madrid on 8 November 1994 by two officers of the national police while walking down the street in a normal manner. While being searched, he is said to have been kicked and his head struck repeatedly against a wall. It is reported that several hours later he received medical treatment for wounds to his head, jaw and legs. He was reportedly released the following day without having been charged and subsequently lodged a complaint. The Government reported that the person had categorically refused to produce his identity papers and had insulted the police officers who had requested them, which had led to his arrest. When he had resisted arrest, the police had been obliged to use the minimum force necessary to subdue him. The Madrid Police Headquarters provided the relevant confidential information on the events, granting access to their provisional records on 30 May 1995, in view of the lack of any evidence of responsibility on the part of the police officers.

449. Sotero Etxandi was reportedly arrested on 27 February 1995 by the Civil Guard in the town of Arraioz, Nafarroa. He later informed the National High Court that he had received blows to his entire body and that his head had been

covered with a plastic bag until he lost consciousness. The judge reportedly ordered him to be examined by a forensic physician. The Government has transmitted copies of records of the judicial proceedings related to his arrest, including the report of the forensic physician ordered by the National High Court. According to that report, the detainee failed to respond when asked what treatment he had received. It is not indicated whether an investigation was carried out or whether a complaint was lodged for ill-treatment.

450. The Special Rapporteur also retransmitted to the Government the following cases with a request for additional information concerning the replies previously provided.

451. Kepa Urra Guridi was reportedly tortured after arrest by the Civil Guard in Basauri on 29 January 1992. This case was transmitted to the Government on 26 August 1993, which replied in letters dated 13 December 1993 and 27 October 1994 (E/CN.4/1994/31, paras. 485-487). The Special Rapporteur asked whether a judicial decision had been handed down and, if so, requested details thereof. The Government replied that the appeal on the grounds of torture had been rejected at first and second instance.

452. José Francisco Lizaso Azkonobieta was reportedly tortured by members of the Civil Guard after being arrested in Usurbil, Guipuzcoa on 5 June 1994. The case was transmitted to the Government on 11 April 1995, which replied in a letter dated 18 July 1995 (E/CN.4/1996/35/Add.1, para. 611). The Special Rapporteur also requested information concerning the results of the investigation into this case that had been ordered by the second division of the National High Court. The Government replied that on 26 January 1996, the court had ordered the case to be dismissed and archived.

453. José Ramón Díaz Sáenz and Emilio Collazos Vega were reportedly tortured by police officers after being arrested in Vitoria on 2 March 1994. Their cases were transmitted to the Government on 11 April 1995, which replied in a letter dated 18 July 1995 (E/CN.4/1996/35/Add.1, para. 613). The Special Rapporteur asked to be informed whether the investigation ordered by the second Court of Investigation of Vitoria-Gasteiz had been completed and, if so, what the result had been. The Government replied that the proceedings were still pending in anticipation of the filing of charges by the Office of the Prosecutor, which would take place in the near future.

Sudan

454. By letter dated 13 September 1996 the Special Rapporteur transmitted the cases summarized in the paragraphs below.

455. Gift Matayo Warille, a southern Sudanese student, was reportedly arrested on 1 January 1995 in Khartoum for having attended while he was abroad a public meeting led by the leader of the Sudan People's Liberation Army (SPLA). He was found in May 1995 in a military barracks in Khartoum with the right side of his body paralysed, allegedly as a result of his having been tortured. He reportedly died from his injuries one month later.

456. Mohamed Osman, a suspected opponent of the Government, was reportedly arrested in February 1995 and held at the "City Bank" secret detention centre. He was allegedly handcuffed to the door of his cell in a standing position for two days and beaten in the courtyard of the detention centre.

457. Ibrahim Fateh al-Rahman, a student at the University of Khartoum, was one of 23 students and university graduates reportedly arrested by security forces on 2 September 1996 in al-Thawra, a suburb of Omdurman. He was allegedly tortured, resulting in his suffering fractured ribs.

458. Reverend Phillip Abbas Gaboush, a cleric in his eighties from the Episcopal Church of Sudan, was reportedly arrested in late 1995 and taken to a secret place of detention, where he was allegedly kicked repeatedly, beaten and deprived of food and water for two nights.

459. The following persons were reportedly arrested on 14 January 1996 and held until 18 May 1996 at the premises of the Executive Security: Taj Elsir Mekki Abu Zeid, Ibrahim Bilal, Mustafa Awad El-Kariem, Saif Eldeen El-Gadal, Abdalla Ali Adam, Ahmed El-toom Ali, Ahmed Suleiman Khogaly, Wadi, Ismail Musa Hamad, Mohammed Abu El-Kasim, Ibrahim Mohammed Ibrahim, Aid Fadl, Musa Ibrahim, Ahmed Abdel Rahaman, Abu Bakr Abbas, El-Hadi Tanjoor, Fadl Ahmed Nail, Awad Aman Alla and Yahia Adam. During their detention, they were held incommunicado and allegedly subjected to torture, which included beatings, lashings, hanging from the legs and hands while being doused with ice-cold water, sleep deprivation, enforced standing, prolonged standing on tip-toes and confinement to freezing cells. Some of the detainees were reportedly forced under torture to confess to activities in support of opposition groups operating out of Eritrea. The detainees were taken before a judge on 18 May, but they reportedly refused to confirm the confessions allegedly extracted through torture.

460. The Special Rapporteur also informed the Government of a follow-up report he had received from the source of his 13 June 1996 urgent appeal on behalf of Ali Habeeb Alla and Adil Karrar (see below). According to the information, Ali Habeeb Alla, whose actual age was 70, was transferred to a military hospital on 3 July 1996 after allegedly being subjected to torture, including severe beatings with plastic water hoses and being forced to walk across a hot iron.

Urgent appeals transmitted and replies received

461. On 12 February 1996 the Special Rapporteur made an urgent appeal in conjunction with the Special Rapporteur on the situation of human rights in the Sudan on behalf of Lieutenant Ahmed al-Badawi (ret.) and Farah Hasan Suleiman, who were reportedly arrested by the security forces in Khartoum on 29 January 1996, and Dr. Atif Muhammad Idris, Musleh Salim Saeed, Babiker Muhammad Qarib Allah, Osman Muhammad Qarib Allah and Muhy al-Din Ali Daoud who were reportedly arrested in Khartoum on 31 January 1996. All of these persons were said to have been arrested in connection with their alleged involvement with the opposition organization Alliance of National Democratic Forces. On 31 May 1996 the Government replied that retired lieutenant Ahmed al-Badawi had been arrested on 19 January 1996 and was under investigation. Dr. Atif Muhammaed Idris had been arrested on 20 January 1996 and released on

18 February 1996. Musleh Salim Saeed had been arrested on 13 January 1996 and released the same day. All three men had been arrested because of their political activities. The other four persons mentioned in the urgent appeal had not been arrested at any time.

462. On 23 February 1996 the Special Rapporteur made an urgent appeal on behalf of al-Sir Mekki Abu Zeid, Hassabu Ibrahim, Walid Abu Seif and Ahmad al-Tom, who were said to be members of the Alliance of National Democratic Forces. They were reportedly arrested during the first week of February 1996 in Khartoum by members of the security forces. Their whereabouts were unknown.

463. On 4 June 1996 the Special Rapporteur made an urgent appeal in conjunction with the Special Rapporteur on the situation of human rights in the Sudan and the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of 19 men convicted of armed robbery by a court in North Darfurhad between 16 and 25 May 1996. Reportedly, six of the men were to hang; three were to be hanged until dead, after which their bodies would be publicly crucified; and 10 were to suffer amputation of their right hand and left foot (cross-limb amputation).

464. On 13 June 1996 the Special Rapporteur made an urgent appeal on behalf of the following trade unionists, reportedly arrested in Khartoum on 4 June 1996: Mahjoub al-Zubeir, Yahya Ali Abdullah, Minallah Abdelwahab Eissa, all former officers of the Sudanese Workers Trade Union (SWTUF); Yahya Saleh Mukwar, a former Sudan Doctors' Union official; Nasur Ali Nasur and Awad al-Karim Mohamed Ahmed. They had not been charged or brought to court and their whereabouts were unknown. The Special Rapporteur also appealed on behalf of Ali Habeeb Alla and Adil Karrar, who were reportedly arrested on 16 May 1996 and were being held incommunicado in Kober prison. They both suffered medical problems. (The Special Rapporteur subsequently received information indicating that Ali Habeeb Alla had been tortured, as described in his letter of 13 September 1996 and summarized above.)

465. On 28 June 1996 the Special Rapporteur made an urgent appeal in conjunction with the Chairman of the Working Group on Arbitrary Detention and the Special Rapporteur on the situation of human rights in the Sudan on behalf of a number of persons who had reportedly been arrested during the preceding 10 days, allegedly for political reasons, and were being held incommunicado in the security service wing of Kober central prison. Among those reported to be detained were Mohammed El-Hafiz, Kamil Abdel-Rahaman El-Sik, Taha Sorij, Ali Isailat, Dali Rahmtalla, Abdalla Malik, Abdalla Abdel-Aziz, Omar Abdalla Jadalla, Ali Habiballa (aged 63), Kamal Abdel-Karim Mirghani, El-Ustaz El-Buhra, El-Hag Osman, Mohammed Mahjoub (aged 66), Taha Mohammed Taha, Mohammed Suleiman, Adil Karrar and Abdel-Karim Karouma (aged 78). Some of the detainees had allegedly been subjected to torture, including beatings and lashings. A number of the detainees were also reportedly being denied necessary medical attention.

466. On 10 July 1996 the Special Rapporteur made an urgent appeal in conjunction with the Special Rapporteur on the situation of human rights in the Sudan on behalf of Galal Hamid (former Director of the Gezira (agriculture) Scheme), Taj al-Sir Ahmad Abdallahi (President of Ahli Football

Club), al-Kheir Ali Arbab, Abdeen Miheisi, Osman Abdelgader, Mohamed Abdelghafar and Mubarak Mohamed al-Hassan. They were among 30 men arrested on or around 23 June 1996 in Wad Medani in connection with alleged oppositionist activities. They were reportedly undergoing interrogation while held incommunicado in Sudan Security detention centres in Wad Medani and Barakat.

467. On 25 July 1996 the Special Rapporteur made an urgent appeal in conjunction with the Special Rapporteur on the situation of human rights in the Sudan on behalf of Moneim Attia and Nagib Nejm al-Din, former Secretary General of the Sudan Doctors' Union, who were reportedly arrested in Khartoum on 8 and 13 July 1996 respectively. Nagib Nejm al-Din was taken to the security headquarters in Khartoum before being transferred to Khober prison on or around 20 July. The whereabouts of Moneim Attia were unknown. They were said to have been detained on suspicion of supporting the banned National Democratic Alliance (NDA).

468. On 16 August 1996 the Special Rapporteur made an urgent appeal on behalf of Mahamat Ousmane and Ahmat Abdoulaye, members of the Chadian armed opposition group National Council for Recovery, as well as Faki Adam, a member of the Dissident Chadian National Army. It was reported that they were among 10 Chadian nationals arrested around 25 July 1996 in the Sudanese town of El Généima, near the Chadian border, by members of the Sudanese security forces. They were said to remain in detention without charge in El Généima prison, where they were feared to be at risk of torture. It was also feared that they may be facing forcible return to Chad, where they would also be at risk of torture and other human rights violations.

469. On 13 September 1996 the Special Rapporteur made an urgent appeal in conjunction with the Chairman of the Working Group on Arbitrary Detention, the Special Rapporteur on extrajudicial, summary or arbitrary detention and the Special Rapporteur on the situation of human rights in the Sudan on behalf of 65 persons reportedly arrested in Port Sudan on 15 August 1996 on suspicion of attempting a coup d'état. Among those detained were the following military officers: Gamal Yusuf, Bushra Hamid Burma, Tariq Abu Abdu, Kamal al-Tigani, Faud Salih, Osman Atiat Allah, Jaknoon, Salah Karboni, Mohamed Mahmud, Abdallah al-Tayeb, Camillio Luthali, Salah Ahmad al-Jaber, Naser Kamal, Hassan al-Khatib, 'Abd al-Maroug Hussein, al-Dardiri haf Ahmad, Ali Abbas Ali, and Taj al-Sir Sarbil. They were being held incommunicado and without charge. Concern was also expressed for the situation of the Chadian nationals mentioned in the urgent appeal of the Special Rapporteur of 16 August 1996.

Information received from the Government on cases mentioned in previous reports

470. On 14 February 1996 the Government replied to several cases that had been transmitted by the Special Rapporteur on 11 July 1994 (see E/CN.4/1995/34, paras. 683, 684 and 687) and to one case transmitted on 18 September 1995 (see E/CN./1996/35/Add.1, para. 632).

471. With respect to Brigadier Mohamed Ahmed al-Rayah (ret.), who had allegedly been tortured extensively at a number of locations from 20 August 1991 through late 1993, the Government stated that he had been sentenced to 10 years' imprisonment. The court had recommended that he be

awarded special treatment because of his senior rank in the army and thus he was exempted from wearing a prison uniform and was receiving many visits from his family and lawyers. He had previously submitted a complaint to the Chief Justice, who had formed a special committee to investigate. With respect to Sayed Omer Awad Abu Garju, who had allegedly been tortured at "ghost house No. 114" in Wad Medani and was feared to have been tortured to death, the Government stated that he had not been subject to arrest at any time. With respect to the 10 persons arrested at the house of Kamal Mekki Medani on 2 September 1993 for holding a political meeting and sentenced and subjected to flogging for consumption of alcohol, the Government said that they had received a fair trial before a competent court. With respect to Ali al-Mahi al-Sakhi, President of the Central Foundry Workers' Trade Union, who had allegedly been tortured following his arrest along with five other persons in Khartoum in June 1994, the Government stated only that the arrested persons had engaged in subversive activities against the Government.

472. In another letter dated 14 February 1996, the Government replied to the urgent appeal made by the Special Rapporteur on 17 October 1995 on behalf of Shihab Ali Yousif, a student at the Faculty of Environmental Studies, Ahlia University of Omdurman, who had reportedly been arrested in September 1995 and tortured in custody (see E/CN.4/1996/35/Add.1, para. 660). The Government stated that he had been detained to protect his personal integrity, as the general atmosphere at Ahila University of Omdurman was very tense. He would be released as soon as the situation at the university returned to normal.

Sweden

473. On 21 November 1996 the Special Rapporteur made an urgent appeal on behalf of Cercis Tükenmez, a Turkish national from Mardin, whose application for asylum in Sweden had reportedly been rejected. He had allegedly been subjected to torture following his arrest in Mardin, Turkey, in November 1993. An investigation carried out by a team of experts from the Center for Torture and Trauma Survivors in Sweden, including specialists in psychiatry, forensic medicine and dermatology, was reported to have confirmed the statements of Cercis Tükenmez regarding his torture and to have found him to be in need of psychiatric care. Fears were expressed that he might be detained and again subjected to torture upon his return to Turkey.

Switzerland

474. The Special Rapporteur transmitted to the Government the case of Ali Doymaz and Abuzer Tastan, Turkish Kurds with political refugee status in Switzerland, who were reportedly arrested by the police in Chiasso, Ticino, on 6 April 1995, severely beaten and tied to a very hot radiator. According to a medical report, Ali Doymaz had swellings on the left side of his head and face, a red mark on his left clavicle and a very sore left shoulder, while Abuzer Tastan had bruises on both forearms.

475. The Special Rapporteur also transmitted the case of Alpha Anthony Dickinson, a Gambian national who was reportedly expelled from Switzerland on 15 September 1995 after having been ill-treated while under arrest there. During his flight back to Gambia, he was accompanied by two Swiss police officers, who allegedly gagged him with adhesive tape, tied his hands to his

seat, completely covered his face with a hat and placed a screen around his seat in order to hide him from the sight of other passengers. This treatment reportedly caused him to lose consciousness. The doctor who examined him in Gambia is said to have observed painful areas on his ribs and bruises on his feet.

Urgent appeals

476. On 17 April 1996, the Special Rapporteur, jointly with the Special Rapporteur on the situation of human rights in the Sudan, transmitted an urgent appeal on behalf of Abdel Gadir Ahmed Fidail, a Sudanese national to whom the Swiss authorities had refused political asylum. It was feared that he might be arrested and tortured if he returned to the Sudan. On 2 May 1996, the Government replied that the authorities had found no evidence to suggest that Mr. Fedail would be exposed to any danger whatever if he returned to the Sudan. The Swiss embassy in Khartoum would observe whether his return took place without incident. Furthermore, Mr. Fedail was free to contact that embassy at any time.

Syrian Arab Republic

477. On 2 September 1996 the Special Rapporteur made an urgent appeal on behalf of Anthony Zakaria Laki and his brother, Samuel Lado Zakaria, both Sudanese asylum seekers, who were being detained in the Syrian Arab Republic at Yarmuk immigration prison. They were expected to be forcibly returned to the Sudan within the next several days and fears were expressed that they would be at risk of torture or other ill-treatment if they were so returned. On 9 October 1996 the Government replied that Anthony Zakaria Laki and Samuel Lado Zakaria had expressed no objection to travelling to the Sudan with the help of the Sudanese Embassy at Damascus, as their lives were not in danger and they had no political problems in their country. The Government produced a declaration to this effect, apparently signed by the two men.

Tunisia

478. By letter dated 14 October 1996, the Special Rapporteur transmitted the cases summarized below, to which the Government replied on 29 November 1996.

479. Mohamed Hedi Sassi was arrested on 18 April 1994. He was reportedly accused of belonging to a banned organization, distributing pamphlets advocating action against the public order and writing slogans on walls. It is alleged that while he was detained at the Den-Den and Bardo (Tunis) police station, he was suspended in various positions, that a liquid was poured into his nostrils and that he was severely beaten. The Government replied that Mohamed Hedi Sassi had not been held incommunicado or tortured. A committee responsible for investigating the conditions of treatment of detainees had considered that they conformed to national and international law.

480. Adel Selmi, a student living in Paris, was arrested on 10 June 1994 on arrival at Tunis airport. He was reportedly accused of belonging to the illegal movement, al-Nahda, of having participated in a demonstration in January 1991 and of having collected money without authorization. It is alleged that he was suspended in various positions and that his head was

immersed in a basin of water. The Government replied that the person in question had not been subjected to any ill-treatment and had been allowed medical examinations and visits by relatives and lawyers.

481. Najib Hosni, a lawyer, was placed in detention prior to his trial for misappropriation of funds, scheduled for 15 June 1995. On 8, 9 and 10 November, he was allegedly tortured at the Ministry of the Interior in Tunis. He is said to have been suspended in the so-called "roast chicken" position and subjected to electric shocks. The Government replied that the interrogation had been carried out by the police under the conditions prescribed by law and that no complaint of ill-treatment had been lodged.

482. Ismail Khemira, who was arrested in 1991 and sentenced to four years' imprisonment for activities related to the al-Nahda movement, is reported to have died in 1994 in the "9 April" prison in Tunis as a result of an infected spinal cord wound due to ill-treatment. It is reported that he was beaten in February 1994 and, according to a witness, was almost totally paralysed a week later. According to the Government, he had never complained of ill-treatment. He received regular medical check-ups and his death was due to natural causes.

483. Sahnoun Jaouhari, a former member of the executive committee of the Tunisian Human Rights League, member of the al-Nahda movement and a journalist, reportedly died on 26 January 1995 in the "9 April" prison in Tunis. It is alleged that, at the beginning of his period of detention, he had been held incommunicado and violently beaten and that, despite his fragile state of health, he had not received the necessary medical care. Allegedly, on 17 January 1995, he was eventually taken to hospital and diagnosed as having cancer. He died soon after. According to the Government, he had not suffered any ill-treatment. The autopsy established that his death had been due to complications related to his cancer.

484. Mohamed Tahar Brahmi, Lofti Hammami and Bourhan Gasmi were reportedly arrested in Tunis on 17 August 1996 and released on 25 August of that year. On 20 August, Raja Chamekh and Ali Jallouli (previously arrested on 6 December 1995) were reportedly arrested in Tunis and Mohamed Dridi in el-Kef; they, too, were reportedly released on 25 August 1996. During their detention, they were allegedly held incommunicado and violently tortured. It is said they were suspended in the "roast chicken" position, their heads were submerged in water, and they were regularly beaten and deprived of sleep. According to the Government, the public health physician who examined them reported no signs of violence.

485. The Special Rapporteur also retransmitted the cases of Bachir Abid, Ali Jallouli and Abdel Moumen Belanes, who were arrested in early December 1995 and reportedly held incommunicado at the Ministry of the Interior. The Special Rapporteur sent an urgent appeal on their behalf on 13 December 1995. On 11 January 1996, the Government replied that they had not been held incommunicado and had been brought to trial within the period stipulated by law. It also stated that the three persons had not been subjected to any ill-treatment. However, further information received from the source of the allegations indicates that the three detainees suspended in the so-called "roast chicken" position and by the feet, with their heads submerged in a basin containing water and a toxic substance. They are also

said to have been subjected to electric shocks and deprived of sleep and food. While detained in the "9 April" prison, they were said to have been visited by their lawyers, who reported having observed evidence of the alleged ill-treatment. They were ultimately released. The Government has stated emphatically that these persons were not subjected to any ill-treatment.

Urgent appeals and Government replies

486. On 14 May 1996, the Special Rapporteur transmitted an urgent appeal on behalf of Frej Fenniche, executive director of the Arab Institute for Human Rights, who was reportedly arrested on 10 May 1996 at Tunis airport while waiting for a flight in order to participate in a conference on human rights in Montpellier, France. On 28 May 1996, the Government replied that Frej Fenniche had been released on 14 May and had not been subjected to any ill-treatment.

487. On 27 November 1996, the Special Rapporteur sent an urgent appeal on behalf of Radhia Aouididi, who was reportedly arrested by the police at the Tunis-Carthage airport while attempting to board a plane with a forged passport and is said to be held incommunicado.

Turkey

488. By letters dated 8 February and 3 October 1996 the Special Rapporteur advised the Government that he had received information on a number of alleged incidents of torture. The Government replied to many of these cases in letters dated 9 May, 4 June, 10 July, 25 September and 27 November 1996. The allegations, followed by the reply of the Government, are summarized in the paragraphs below.

489. Döner Talun, a 12-year-old girl reportedly detained by police on 12 December 1994 in the Çubuk district of Ankara, was allegedly beaten, hung by the arms and subjected to electric shocks during five days' incommunicado detention at Ankara police headquarters.

490. Faruk Dürre was reportedly detained on 27 January 1995 and tortured for eight days at Muş police headquarters. The torture allegedly included repeated squeezing of his testicles; repeated administration of electric shocks through his penis; spraying with water; deprivation of food for the first six days; and death threats. While not undergoing interrogation, he was allegedly held in a cell half a metre wide and one metre long. On 10 April 1995 he and a number of other prisoners in his ward were allegedly beaten with sticks and truncheons by gendarmes and wardens, as a result of which he sustained two cracked ribs. The Government replied that Faruk Dürre had been arrested on charges of assisting the Kurdish Workers' Party (PKK). The court had decided to release him on 31 October 1995, as he had expressed his willingness to benefit from the Repentance Law. It was established through medical reports dated 29 January and 6 February 1995 that he had not been subjected to torture or ill-treatment during detention.

491. Can Doğan, aged 14, was reportedly detained for 2½ days at Ankara police headquarters in March 1995, during which he was allegedly stripped naked,

beaten, soaked with pressurized water, and his testicles were squeezed. He was detained again on 10 April 1995 and allegedly beaten at Ankara police headquarters.

492. Tayfun Kirs, aged 13, and Rifat Onurcan were reportedly detained on 9 July 1995 on suspicion of theft and tortured at Ankara Police Station. Rifat Onurcan was allegedly stripped, subjected to electric shocks, beaten with truncheons on the hands and feet and sprayed with cold water. Tayfun Kirs was allegedly subjected to electric shocks and beaten on the feet and back with truncheons.

493. Leman Çelikaslan, detained by officers from the Anti-Terror Branch of Ankara Security Headquarters on 21 July 1995, was allegedly sexually assaulted in a woodland. At Ankara police headquarters, she was allegedly tortured and raped repeatedly by several officers over the course of 13 days' detention. Before her transfer to Ankara central closed prison, she was to have undergone a medical examination, but she declined to undress before the doctor, who consequently certified that there were no signs of ill-treatment. On 9 August she filed a complaint of rape with the prosecutor and requested to be sent to hospital. At the Forensic Medicine Institute, she requested to be examined by a female doctor and, as there was none available, she refused to be examined, but did inform a male doctor that she had been raped. He referred her to hospital, but she reportedly was not taken to hospital until 17 August, by which time the examining doctor was unable to determine whether rape had taken place. The Government replied that Leman Çelikaslan had been detained on charges of participating in PKK activities. A report issued by the Ankara Branch of the Forensic Medicine Institute on 2 August 1995 showed that she had not been subjected to torture or ill-treatment during her detention. A medical report issued by the Zekai Tahir Burak Hospital on 17 August 1995 showed that she had not been subjected to torture, ill-treatment or sexual assault. Another report issued by the Forensic Medicine Institute on 24 August 1994 also disproved the allegations.

494. Ismet Çelikaslan, the mother of Leman Çelikaslan and a Mersin Provincial Board member of the People's Democracy Party (HADEP), reportedly appeared on television in September 1995 to publicize the rape allegations in her daughter's case. Police officers subsequently came several times to her house, before arresting her in Mersin on 27 September. During her interrogation, she was allegedly subjected to electric shocks through her hands and feet, beatings, and hosing with pressurized cold water. The Government replied that Ismet Çelikaslan had been detained on 27 September 1995 at Içel police headquarters on suspicion of participating in PKK activities. It was established through medical reports issued by the Mersin State Hospital and the Health Directorate of Mersin that she had not been subjected to torture or ill-treatment during her detention. A preliminary investigation had been initiated by the Office of the Chief Public Prosecutor of Mersin concerning the torture allegations and the case had been referred to the Office of the Chief Public Prosecutor of the Konya State Security Court on 3 October 1995.

495. Ali Haydar Efe was reportedly detained on suspicion of theft on 8 August 1995 and his brother, Müslüm Efe, was detained on 11 August. At Ankara police Headquarters they were allegedly subjected to torture,

including hanging by the arms, electric shocks, beating and sexual assault with a truncheon. On 12 August, Ali Haydar Efe was taken to hospital, where he died of "respiratory and circulatory failure". The Forensic Medicine Institute examined Müslüm Efe and gave him a report exempting him from work for three days. He was said to bear marks of torture.

496. A number of prisoners were reportedly beaten severely when a large force of gendarmes and Special Team members forcibly entered ward 6 of Buca prison near Izmir on 21 September 1995. The forces had been called in after prisoners went on hunger strike and barricaded themselves in the ward in protest at conditions at the prison. Yusuf Bağ, Uğur Sariaslan and Turan Kilinç reportedly died from injuries sustained from the beatings, including brain haemorrhage and other internal bleeding. Autopsies on the three men reportedly concluded "suspicious death". A number of relatives and lawyers of the prisoners, including lawyers Irfan Güler, Gül Kireçkaya and Sengül Gültekin, were allegedly assaulted and beaten with truncheons by members of the Mobile Force (Anti-Riot Police) while seeking details about the prisoners outside the local state hospital. The Government replied that when the officials entered the dormitories they were assaulted by convicts, forcing them to use tear-gas. An investigation was initiated by the Izmir Prosecutor's Office and a complaint was lodged against the convicts on grounds of collective mutiny. The convicts also filed complaints against the law enforcement officials. The case was under way before the Izmir Criminal Court. Irfan Güler filed a complaint and a case was commenced at the Izmir Criminal Court on 19 March 1996 against one chief police officer and three policemen on the ground of ill-treatment. The other lawyers had not lodged official complaints.

497. Nurey Sen, Chair of the Mesopotamian Cultural Centre (MKM), was reportedly arrested in Diyarbakir by members of the gendarmerie intelligence branch (JITEM) on 10 November 1995. During 11 days of detention at the Diyarbakir gendarme station, she was allegedly kept blindfolded, subjected to electric shocks, sexually assaulted with a truncheon, hosed with cold water, beaten severely, kicked and sexually molested by a number of gendarmes, forced to run, forced to listen to constant loud music, subjected to death threats if she revealed information about her treatment and forced to sign a statement without being given the opportunity to read the contents. According to the Government, it was established by a medical report dated 21 November 1995 issued by the Diyarbakir Branch of the Forensic Medicine Institute that she had not been subjected to torture or ill-treatment during detention.

498. Ali Kanat, Nazif (Gürbüz Ergin), Erol Engin, Yilmaz Esbal, Yasin Ipek, Mehmet Bahri Kurt, Celal Cengiz, Cemal Odabaş, Burhan Değer, Ismail Ölmez, Abdullah Talay, Resul Arslan, Selahattin Bağir, Erol Çelikten, Hikmet Ezen, Mahmut Karakaya, Mahmut Türk, Şakir Dinç, Mehmet Şerif Düner, Abdullah Kanat, Zeynel Koç, Ismail Yilmaz, M. Nuri Fidan, Hasan Gönderici, Mehmet Demir, Ahmet Akkurt, Latif Doğan, Medeni Adiyaman, Umit Kaydu, Fevzi Bor, Soner Önder, Cengiz Hasanoğlu, Yüksel Yakişir and Kemal Yilan were all reportedly hospitalized after some 200 police and gendarmes allegedly used excessive force to restore order at Ümraniye E-Type prison in Istanbul on the night of 12-13 December 1995. The officials were reported to have thrown some 50 tear-gas and smoke bombs into the wards and then to have removed prisoners and beaten them severely. On 4 January 1996 the prison was again stormed and

Orhan Özen, Riza Boybaş and Abdülmecit Seçkin were allegedly beaten to death. Six prisoners were reported to have suffered from especially severe injuries, including Metin Turan, Ağa Yildrim and Gültekin Beyhan, who eventually died from head injuries on 10 January. On 8 January, over 600 persons who had come to their funeral ceremony were detained by police, 300 of whom were taken to Eyüp sports Centre, and many were allegedly beaten and kicked by police. Metin Göktepe, a journalist, was taken to the basement of the sports centre after showing the police his press card, and allegedly beaten to death. The Government replied that 34 police officers of the Eyüp police department had been referred to the relevant judicial authorities on charges of beating the detainees from the funeral and subjecting them to degrading and ill-treatment. A riot police chief had been charged with arbitrarily ordering Metin Göktepe's detention; 11 officers had been charged with subjecting him to ill-treatment and failing to protect his physical integrity and well-being; and another riot police chief was charged with insulting the detainees.

499. Gulbahar Gündüz, on whose behalf the Special Rapporteur had appealed on 14 July 1995, was reportedly detained by police on 21 March 1995, after she had travelled to Tunceli to apply for compensation for her family's house, which had been destroyed in operations by the security forces. She was allegedly tortured by hosing with cold water, especially to her mouth, ears, breasts, genitals and stomach; electric shocks applied through her toes and ear lobes; hanging, during which she suffered an attack of asthma, a severe kick in the back, which caused her to haemorrhage; death threats; beatings; having her head slammed against the wall. She was said to remain confined to a wheelchair and unable to walk as a result of the torture. The Government replied on 27 November 1996 that pursuant to her complaint, the Tunceli Provincial Administrative Council was investigating the case.

500. Ali Ekber Kaya, President of the now-closed Human Rights Association branch in Tunceli, was reportedly detained on 23 March 1995 by members of the Anti-Terror Branch. He was allegedly subjected to torture, during which his arms were tied to his legs and he was hosed with cold pressurized water, including to his kidneys, genitals and rectum. He was also allegedly hung from the ceiling and given electric shocks. A complaint he filed about his torture was said to be pending before the Provincial Administrative Council. The Government replied on 27 November 1996 that Ali Ekber Kaya had not lodged any complaint or taken any legal proceeding on the ground of torture, but that it had been established through medical reports dated 23 March and 3 April 1995 that he had not been subjected to torture or ill-treatment during his detention.

501. The following persons, mostly high-school students under 18 years of age, were reportedly detained on 26 December 1995 by members of the Anti-Terror Branch of Manisa police headquarters and subjected to torture during 10 days in custody, including electric shocks and sexual assault: Ali Göktas (teacher), Mahir Götkas (aged 14), Faruk Deniz, Levent Kiliç, Emrah Sait Erda, Askin Yegin (female), Ayse Mine Balkanli, Münire Apaydin (female, aged 16), Sema Tasar (female, aged 16), Hüseyin Korkut, Özgür Zeybek, Jale Kurt, Fulya Apaydin, Erdogan Kiliç, Abdullah Yücel Karakas and Boran Senol. It was alleged that none of the medical reports of the above-named persons was submitted by the Office of the Chief Public Prosecutor to the State Security Court in Izmir, where the cases were to be heard, but

rather that the Prosecutor had produced fabricated medical reports stating that "no traces of stroke and violence have been seen". The Government replied that a public case had commenced against the aforementioned persons in the State Security Court in Izmir on charges of being members of and providing assistance to the Revolutionary Peoples' Liberation Party/Front. Their lawyer had filed a complaint on the ground of torture and ill-treatment. Following the preliminary investigation, a public case was commenced in the Manisa Criminal Court against 10 police officers of the Manisa police department for violations of articles 243 and 245 of the Penal Code.

502. Ferzinde Abi and his wife, Şirin Abi, were reportedly detained on 25 April 1996. At the Van security headquarters Anti-Terror Branch they were interrogated for 15 days, during which Şirin Abi was allegedly brought before her husband, stripped naked, suspended by the wrists with her hands tied behind her back and sexually molested. The purpose of her torture was said to be to force her husband to become a police agent or to sign incriminating statements. Ferzinde Abi was also allegedly subjected to torture, including by severe beatings with rifle butts which resulted in the paralysis and loss of use of both arms. Doctors at Van State Hospital were reportedly prevented under police threat from treating him and producing a medical report. The Government replied that the couple had been detained on suspicion of participating in PKK activities. It was established through a medical report dated 10 May 1996 that they were not subjected to torture or ill-treatment during their detention. Ferzinde Abi filed an official complaint of torture, which was being investigated by the Chief Public Prosecutor of Van.

503. Sabri Beyter, Sedika Beyter (female, aged 80), Cafer Çiftçi and Abdulhaluk Beyter were reportedly subjected to torture under interrogation on 3 June 1996 during an operation by security forces connected with Hakkari Brigade Command in Bay village near Hakkari. Sedik Beyter was allegedly beaten and died two hours later. Abdulhaluk Beyter was said to have been left unable to walk as a result of torture. The Government replied that Sabri Beyter was not in the village during the security operation, having moved away five or six years earlier. Sedika Beyter died of old age on 2 June 1996. Cafer Çiftçi had no record with the police. Abdulhaluk Beyter was one of 15 persons taken into custody in the operations against villagers with suspected PKK links. It was established through medical reports that he was not subjected to torture.

504. Halil Dinç, President of the Turkish Union of Motor Vehicle Workers (TÜMTIS) in Izmir, and Hasan Yayik, General Secretary of the Izmir branch, were among a number of persons alleged to have been severely beaten by anti-riot police and police from Çamdibi police station on 22 December 1995 at the beginning of a press conference in front of the premises of the transport company Nak-Kargo in Izmir that the union had called to protest job dismissals.

505. In his letter of 8 February 1996 the Special Rapporteur also advised the Government of follow-up information he had received from the sources with respect to a number of previously transmitted cases. In the case of Talat Tepe (urgent appeal of 14 July 1995), a lawyer and Human Rights Association member detained at Istanbul Airport on 9 July 1995, he was

allegedly tortured during 12 days' detention at Istanbul and Bitlis security headquarters, including by electric shocks, prolonged dousing with cold water and physical assault. With respect to Hediye Altun (urgent appeal of 28 July 1995), aged 16, who had been detained at the Anti-Terror Branch in Istanbul, she had allegedly been tortured and, as a result, had suffered bleeding from her ears and loss of hearing. With respect to Mehmet Sen (case transmitted on 15 September 1994) a member of the since banned Democracy Party (DEP) reportedly detained by police officers in Nizip, Gaziantep on 26 March 1994 and later discovered murdered, a witness who saw his body had reportedly stated that there were clear marks of torture, that the right side of his head had been crushed, an eye had been gouged out, and his neck, arms and a finger had been broken.

Urgent appeals and replies received

506. A number of persons were reportedly detained during security forces operations beginning on 25 January 1996 in the triangle between the towns of Zara, Kangal and Divriği in Sivas province. Mehmet Kambur (village headman), Hüseyin Polat, Mustafa Doğaner, Güzel Polat, Ibrahim Erdoğan, Hasan Erdoğan, Riza Ateş and Bayram Güngöz were among a number of persons detained on 25 January 1996 by gendarmes in Güvenkaya village. Mehmet Ali Doğan and Ali Karakoç, both from Dikmeçay village, were detained on 25 January. Nuri Yildirim, Reşit Çoşkun and Davut Keskin were detained in the villages of Kirlangiç and Yeşilyurt in the district of Kangal on 27 January. Battal Özkan, Şükrü Kaya and Hüseyin Akkaya were detained in Kürkçü village on 28 January in the district of Kangal. Finally, Mustafa Poyraz was detained on 28 January in Dağönü village in the district of Kangal (7 February 1996). On 26 February 1996 the Government replied that it had been established that persons taken into custody during the operations conducted in Sivas were not subjected to torture or ill-treatment, as confirmed by the fact that no complaint had been made to judicial and administrative authorities. On 8 May 1996 the Government further informed the Special Rapporteur that the detainees had been released in early February pending trial on charges of assisting the PKK.

507. Teyfik Eren, editor of Govend arts magazine, was reportedly detained by plainclothes police officers on 12 February 1996 in Diyarbakir (16 February 1996). On 17 May 1996 the Government replied that he had been released from Diyarbakir police headquarters on 13 February 1996, as it had been determined that he had no links with terrorist organizations. It was established through medical reports that he was not subjected to torture or ill-treatment in detention.

508. Ishak Tepe, a politician who stood as a parliamentary candidate for the People's Democracy Party (HADEP) in December 1995, was reportedly detained by gendarmes on 24 February 1996 and transferred to Bitlis. His nephew, Safyettin Tepe, was said to have died in police custody in Bitlis in August 1995 and his son, Farhat Tepe, was reportedly abducted and killed in 1993 (28 February 1996). On 19 June 1996 the Government replied that Ishak Tepe had been detained on suspicion of assisting the PKK and a public case had commenced against him at Diyarbakir Security Court. It was established through medical reports dated 27 February and 4 March 1996 that he was not subjected to torture or ill-treatment in detention.

509. Ismail Keskin, former headman of Kazan village, and Ismail Demir were reportedly detained on 28 February 1996 by police in Hakkari (4 March 1996). On 17 May 1996 the Government replied that they had been released on 1 March 1996, as it was established that they had no links with the murder in which they had been suspected of involvement. It was established through medical reports dated 1 March from the Hakkari State Hospital that they were not subjected to torture or ill-treatment in detention.

510. Yücel Sarlçoban, Aydin Ipçi and Songül Özbakir (female) were reportedly detained from their homes in Ankara on 6 March 1996 and were being held at Ankara police headquarters. In addition, Ali Baba Karakaş, who had allegedly been previously tortured in detention, was reportedly detained from his home in Ankara, during which his wife and children were allegedly beaten (11 March 1996). On 13 September 1996 the Government replied that the aforementioned persons had been detained on suspicion of participating in the activities of the Marxist-Leninist Communist Party (MLKP). It was established through a medical report issued by the Forensic Medical Institute that they were not subjected to torture or ill-treatment during detention.

511. Hatice Güden, Filiz Toprok, Mustafa Karaoğlan, N. Kemal Bektaş, M. Karaça and Muhittin Evrak were reportedly arrested on 6 March 1996 in Ankara by officers of the Anti-Terror Branch and were being held at Ankara police headquarters (15 March 1996).

512. Gevher Toprak (aged 16), Edibe Toprak, Leyla Şaşkin (aged 13), Vildan Umur (aged 14), Ayşer Umur (aged 16) Sabriye, Çiçek Eren, Abdullah Şaşkin, Fadil Eren and Şeymus Nakçi were reportedly detained in Cukurkaynak by members of the security forces of the Silvan Gendarmerie (11 April 1996).

513. Mahmut Yilmaz, Ahmet Aşkin Doğan, Bulent Karakaş Elif Kahyaoğlu (female), Mustafa Bayram Misir, Haci Ferhan Temiz, Deniz Kartal (female), Hülya Yeşilyurt (female), Özgür Yilmaz, Ibrahim Ethem Altun, Selda Salman (female), Mestan Dinçer, Yunus Bakihan Çamurdan, Hanife (family name unknown), Mehmet Horuş, Mehmet Karaman, Ender Turan, Gökçen Zorcu, Faruk Adigüzel, Murat Yurdakul, Nurdan Bayşahan (female), Özgür Tüfekci, Musa Ceylan, Yekbun Uzun were among a number of students reportedly being held incommunicado at Ankara police headquarters on 17 and 19 April 1996 during protests against the introduction of student fees. Mahmut Yilmaz, Ahmet Askin Dogan, Bulent Karakas and Elif Kahyaoglu were allegedly tortured and the female detainees were said to have been subjected to threats of rape (29 April 1996). On 9 July 1996 the Government replied that Musa Ceylan and Hanife had never been taken into custody. The others had been taken into custody during operations conducted against the illegal organization Devrimci Yol-Devrimci Gençlik (Revolutionary Path-Revolutionary Youth). It was established through a medical report issued by the Forensic Medicine Institute on 1 May 1996 that they had not been subjected to torture or ill-treatment during their detention.

514. Sabiha Budak, Incigül Başel, Mehtap Kuruçay and Filiz Öztürk, female journalists with the newspaper Alinteri, were reportedly detained by police on 3 May 1996 at the home of Sabiha Budak in Istanbul. They and the parents of Sabiha Budak were allegedly beaten by police before the police took the

detainees to the Anti-Terror Branch of Istanbul police headquarters at Aksaray (6 May 1996). On 13 September 1996 the Government replied that they had been detained after the police had come to the home to conduct a search. Incigül Başel was taken to hospital because she was suffering from low blood pressure. It was established through a medical report dated 14 May 1996 by the Forensic Medical Institute that they were not subjected to torture or ill-treatment in detention.

515. A. Kadir Bilen, aged 80, Ömer Akbay, aged 75, and A. Selim Dağkuşu, aged 65, were reportedly detained on 29 May 1996 by soldiers of the gendarmerie in Silvan and Bağdere and were being held incommunicado (31 May 1996).

516. More than 600 persons were reportedly detained on 8 June 1996 at a protest vigil by relatives of disappeared persons in Istiklal street in Istanbul. At the vigil, police and gendarmes allegedly beat a number of the protestors. Hasene Türkoğlu, the wife of a recently disappeared person, and Hüsnu Öndül, General Secretary of the Turkish Human Rights Association, were said to have been injured in the incident. Over 200 of the detainees were reportedly being held at Gayrettepe police headquarters and the Anti-Terror Branch of Istanbul police headquarters. Zeynep Baran (female), a board member of the Istanbul Human Rights Association, was among those reported to be detained at Gayrettepe. Songül Beydili, a board member of the Turkish Health Professionals Union (Tüm Sağlik Sen), Mahmut Pulga (a member of Tüm Sağlik Sen), Abdullah Sağmen, Mehdi Perinçek, Neriman Berberoğlu, Yildiz Içer, Songül Özkan, Gül Vidan, Bariş Arça and Metin Karabulut are reportedly held at the Anti-Terror Branch in Istanbul (11 June 1996). On 20 September 1996 the Government replied that Abdullah Sagmen, Neriman Berberoglu, Yilda Icer, Gul Vildan and Baris Arca had not been taken into custody. Records of the Istanbul police department did not verify that Hasene Turkoglu and Hüsbü Ondül were injured in the events. It was established through medical reports of the Beyoglu branch of the Forensic Medicine Institute that Sonül Beydilli, Zeynep Baran, Metin Karabulut, Mehdi Perinçek and Mehmet Pulgu were not subjected to torture or ill-treatment during detention. Songül Özkan refused to undertake a medical examination and signed a statement to that effect.

517. Sehettin Elçi, a resident of Izmir, was reportedly detained in Güroymak, Bitlis province, while en route to visit his family in Altinova (11 June 1996). On 20 September 1996 the Government replied that he had served as the Vice-President of the Youth Commission of HADEP, which was involved in activities on behalf of the PKK. He was released pending trial. It was established that he was not subjected to torture or ill-treatment during his detention.

518. Gülçin Özgür, aged 15, was reportedly detained on 13 June 1996 from her house and taken to police headquarters in Mersin. The detention occurred eight days after a public statement she had made appeared in a newspaper describing her previous 16-day detention at the Gendarmerie commando battalion in Bismal, during which she was allegedly subjected to torture, including sexual assault (19 June 1996). On 18 September 1996 the Government replied that following her first detention, a medical report issued by Bismal State Hospital dated 22 April 1996 established that she was not subjected to torture or ill-treatment. Her subsequent detention was based on suspicion of

activities connected with the PKK, not the statement she had made in the newspaper. It was established through a medical report dated 20 June 1996 issued by the Içel health department that she was not subjected to torture or ill-treatment during her detention.

519. Leyla Yağiz and her husband, Temerhan Yağiz, were reportedly detained by police from their home in Nusaybin on 26 June 1996. It was alleged that Leyla Yağiz was tortured in the presence of her husband at police headquarters in Nusaybin for the purpose of extracting from her information about a relative who is wanted by the police. According to the information received, Robar Yağiz, an 18-year-old cousin of Leyla Yağiz, was also detained and tortured by the police, as a result of which he required hospitalization. In addition, his 70-year-old grandmother, Naima Yağiz, was allegedly beaten severely by the police during the search of her home and was subsequently hospitalized (2 July 1996). On 18 September 1996 the Government replied that the aforementioned persons had been taken into custody on charges of assisting the PKK. Naime Yağiz was released on the same day owing to her health condition. Robar Yağiz and Temirhan Yağiz were released on 28 June and Leyla Yağiz was released on 6 July 1996. It was established through medical reports issued by the Nusaybin State Hospital that they were not subjected to torture or ill-treatment.

520. Abdurrahman Çelikbilek, a member of HADEP, was reportedly detained on 24 June 1996 and had been subjected to torture at the Anti-Riot police headquarters in Diyarbakir (16 July 1996). On 18 September 1996 the Government replied that he had been detained on 3 July 1996 during operations against the PKK. It was established through a medical report that he was not subjected to torture or ill-treatment.

521. Halil Can Doğan (aged 15), Esat Yilaz, Şeref Han, Ayşe Kiliç (female), Riza Polat, Ismail Kizilçay, Tayfun Koçak, Taylan Keskin, Ebru Arkan (female), Servet Sandikli, Gökçen Kaygusuz, Hülya Deveci (female), Levent Can Yilmaz, Deniz Fidan, Ersin Atar and Müstecef Türkücü were reportedly being held incommunicado at Ankara police headquarters pursuant to a police operation in Ankara between 8 and 16 July 1996. Another detainee, Pervin Abdaloğlu (female), was allegedly subjected to torture, including electric shocks, before being released and taken to hospital on 18 July (22 July 1996). On 12 November 1996 the Government replied that Şeref Han had no record in the police and Deniz Fidan was released the day following her arrest. It was established by medical reports issued by the Ankara branch of the Forensic Medicine Institute that none of the other detainees were subjected to torture or ill-treatment in detention.

522. Münsif Çetin, head of the Dağkapi Health Centre in Diyarbakir, was reportedly detained on 16 August 1996 and was being held incommunicado at Diyarbakir police headquarters. He had allegedly been tortured during two previous detentions (22 August 1996). On 5 November 1996 the Government replied that he had been detained on charges of assisting the PKK. It was established through a medical report dated 22 August 1996 that he was not subjected to torture or ill-treatment in detention.

Information received from the Government on cases included in previous reports

523. With respect to the cases of Garip Aygün and Sultan Aygün, who were allegedly tortured in Istanbul on 18 January 1995, following their detention in connection with a traffic accident (see E/CN.4/1996/35/Add.1, para. 712), the Government replied on 4 June 1996 that they had been released when it was established that they had no connection with the accident. They had not lodged any complaints or taken legal proceedings with a view to exhausting the "domestic remedy".

524. With respect to Hüseyin Koku, Chairman of the Elbistan branch of HADEP, who was allegedly tortured in Elbistan prison over the course of two months following his detention on 27 March 1994 and subsequently detained by gendarmes on 20 October 1994 (see E/CN.4/1996/35/Add.1, para. 703), the Government replied on 25 September 1996 that it had been established through a medical report issued by Elbistan State Hospital that he had not been subjected to torture or ill-treatment. He had died of gunshot wounds. An investigation conducted by the Office of the Chief Public Prosecutor of Pötürge had determined that it was probable that he had been killed by the relatives of a woman with whom he was having a relationship.

525. With respect to 16 persons detained on 17 April 1994 in connection with the activities of the magazine Alinteri (Toil), who were allegedly tortured in police custody in Ankara (see E/CN.4/1995/34, para. 768), the Government stated that, according to medical reports dated 26 April and 2 May 1994, they had not been subjected to torture or ill-treatment during their detention.

526. The Government sent replies asserting that with respect to the following persons on whose behalf the Special Rapporteur had made urgent appeals, it had been established through medical reports that they had not been subjected to torture or ill-treatment in detention: Şükrü Çalli and Hüseyin Ümit (appeal of 19 June 1995, reply of 8 January 1996); Adülkerim Demirer (appeal 21 June 1995, reply 8 January 1996); Talat Tepe (appeal 14 July 1995, reply 26 February 1996); Gülbahar Gündüz (appeal 14 July 1995, reply 26 February 1996); Habib Çiftçi (appeal 29 September 1995, reply 8 January 1996); Barhan Mutlu (appeal 18 October 1995, reply 8 May 1996); Gül Dağdeviren, Ersin Dağdeviren, Selma Yiğiter, Kemal Bolat, Mehmat Altan, Hilal Üsenti, and Barriş Güaül (appeal 23 October 1995, reply 9 January 1996); Ibrahim Şahin (appeal 7 November 1995, reply 17 May 1996); Necmiye Aslanoğlu, Nuran Tekdağ and Metin Acet (appeal 9 November 1995, reply 2 February 1996), Ali Güden (appeal 14 November 1995, reply 8 January 1996).

527. With respect to Gevher Toprak, on whose behalf the Special Rapporteur appealed on 14 November 1995, the Government replied on 8 January 1996 that she had been released pending trial on charges of participating in PKK activities. However, Emrullah Toprak, Fatih Toprak, Makbule Tutal, Behiye Tutal, Mehmet Tutal and Urdayal Tutal had no record with the police.

528. In the cases of Mina Fazelollahi and Maryambanoo Sepehri-Rahnama, Iranian nationals facing possible deportation to the Islamic Republic of Iran on whose behalf the Special Rapporteur appealed on 20 November 1995, the Government replied on 22 December 1995 that they were being held for using

forged passports and documents and when that case was over they would be allowed to apply for asylum in Turkey. Austria and Germany had also decided to admit them as refugees if they so desired.

Turkmenistan

529. By letter dated 11 June 1996 the Special Rapporteur advised the Government that he had received information on the case of Durdymurad Khodzha-Mukhammed, co-Chairman of the unregistered Party of Democratic Development of Turkmenistan and former editor in chief of the clandestine opposition newspaper Ata Vatan, who had reportedly been confined against his will in the Geok-Tepe psychiatric hospital since 23 February 1996. He was allegedly being confined for political and not medical reasons.

530. The Special Rapporteur also transmitted the case of Sukhanberdy Ishonov, who was among a number of persons reportedly arrested during a demonstration in Ashgabat on 12 July 1995 held to protest economic conditions in the country and beaten severely. He was released from police custody on 17 July and hanged himself at his home the following day. Marks of injuries sustained from his beatings in police custody were reportedly discovered on his body.

531. The Special Rapporteur also reminded the Government of cases transmitted in 1994 and 1995 regarding which no reply had yet been received.

Uganda

532. On 13 September 1996 the Special Rapporteur made an urgent appeal on behalf of Joseph Langoya, a political activist involved with work on behalf of the combined Uganda People's Congress and Democratic Party, who was reportedly arrested by members of the Ugandan Army near his home in Pawel in late July or early August 1996, apparently on suspicion of supporting guerrilla fighters in the region. He was said to be kept incommunicado in a large, unlit underground hole at Pabo army barracks. He had allegedly been tortured, including by means of knife cuts, and denied sufficient food.

United Arab Emirates

533. On 14 November 1996 the Special Rapporteur made an urgent appeal on behalf of Elie Dib Ghalib, a Lebanese Christian, who was reportedly arrested in Abu Dhabi on 5 December 1995 for having married a Muslim woman and allegedly subjected to beatings and flogging at al-Ain police station. A Shari'a court ruled on 29 October 1996 that his marriage was null and void and that because the marriage was immoral, he should receive 39 lashes and a one-year prison sentence.

United Kingdom of Great Britain and Northern Ireland

534. By letter dated 18 April 1995 the Special Rapporteur advised the Government of information he had received regarding four persons who died in police or Prison Service custody, allegedly as a result of torture or ill-treatment. On 31 July 1996, the Government replied to the cases, as summarized below.

535. Shiji Lapite, a Nigerian national, was reportedly detained for "acting suspiciously" by north London police in Stoke Newington on 16 December 1994. A violent struggle followed, during which he was allegedly kicked in the head with great force. While being restrained, possibly through the use of a "chokehold", his body went limp and he was taken to hospital, where he was pronounced dead. A pathology report was said to have revealed 45 injuries on his body and a fractured voice-box. On 26 January 1996 an inquest jury decided that Shiji Lapite had been killed unlawfully. The Government replied that Shiji Lapite had been arrested for possession of drugs and that the pathologist had concluded that he had died of asphyxiation and cocaine intoxication. Two officers involved in the arrest had been suspended from duty. The Department of Public Prosecutions (DPP), after receiving in May 1995 the report of the investigation of the Police Complaints Authority (PCA), had found that there was insufficient evidence to bring proceedings against any officer. It was not known when a further decision would be reached by the DPP in light of the verdict of unlawful killing by the inquest jury. As the coroner had recommended that police officers should avoid the use of neck holds, that restraint technique was presently under review by the Association of Chief Police Officers.

536. Brian Douglas and Stafford Soloman, reportedly arrested by police in south London on 3 May 1995 for possession of a knife, CS gas and cannabis, were allegedly beaten with 55-centimetre acrylic batons recently introduced by the police to replace wooden batons. Brian Douglas was allegedly struck on the back of the head. At the police station he was reportedly examined four times by a police doctor, who apparently considered him to be intoxicated or drugged, before he was taken, 15 hours after his arrest, to hospital, where he died on 8 May. Stafford Soloman was reported to have suffered a broken wrist in the incident. The officers alleged to be responsible were reportedly back on duty after a period of "compassionate leave". The Government replied that Brian Douglas had become violent during his arrest and thus had to be restrained en route to Vauxhall police station. A post mortem revealed a fractured skull, but was unable to determine the cause of death. The DPP received the report of the PCA in December 1995 and decided that no criminal proceedings should be brought against any officer. A coroner's inquest into the death began on 17 July 1996. Two police officers were suspended from operational duties. The PCA were supervising an investigation into a complaint that the police had broken Stafford Solomon's wrist. The new batons, approved by the Home Office, did not have a higher level of impact than the old truncheons.

537. Richard O'Brien reportedly died after being assaulted by five police officers in Walworth, south London, on 17 April 1995. The police maintained that he had been drunk and disorderly, but the family of Richard O'Brien contended that he had only been waiting for a taxi. The officers allegedly held his face to the pavement while one officer knelt on his back. He was reported to have then said "let me up, I can't breathe, you win". A pathologist recorded 31 injuries to his body, including cuts, bruising to his face, a dislodged tooth, fractured ribs and bleeding suggestive of haemorrhaging after blood vessels on his face had burst. On 10 November 1995, an inquest jury at Southwark coroners' court found that he had been unlawfully killed. The Government replied that Richard O'Brien had become extremely violent during his arrest and had to be restrained by officers. The DPP

received the report of the PAC in December 1994 and decided that there was insufficient evidence to bring any criminal proceedings. No police officers had been suspended or received any disciplinary measures as a result of the incident. The DPP had not yet determined whether charges should be brought in light of the inquest jury finding.

538. Dennis Stevens reportedly died after being placed in a punishment cell in a restraining body belt in Dartmoor prison, Devon, on 18 October 1995. (The belt was said to be of the same type that had been worn by Joy Gardner when she choked to death during a struggle with deportation officers in 1993. Three officers were charged with manslaughter and acquitted in that case.) It was alleged that Dennis Stevens had been subjected to severe beatings prior to being placed in the cell for allegedly assaulting a staff member. His body was said to display a number of injuries, including deep scratches down the side of his face and a deep dent in the side of his head above his left eye. The Government replied that Dennis Stevens had been placed in a restraining belt for 24 hours before being discovered dead. The Devon and Cornwall police, who were investigating the incident, would determine whether Dennis Stevens had been subjected to severe beatings, an allegation denied by the Prison Service. At the second of two post-mortem proceedings, it was determined that further specialist forensic analysis was required. That analysis was being carried out in the United States, after which a coroner's inquest would convene. The Prison Service had conducted an inquiry into the circumstances surrounding the death and another inquiry into the use of control and restraint methods in the case. The findings could not be disclosed pending the outcome of the inquest.

United Republic of Tanzania

539. By letter dated 10 June 1996 the Special Rapporteur advised the Government of information he had received according to which some 30 police officers had raided the home of the opposition Civic Union Front (CUF) Vice-Chairman, Seif Sharif Hamad, on 2 April 1996 and severely beaten and arrested some 26 CUF Youths (members of the youth wing of the CUF) who were guarding the premises. Suleiman Abdallah Suleiman, Juma Mohamed Amour, Juma Simai Abdullah, Zahor Khatibu Makame, Ally Khamis Ally, Mohamed Abdallah Mussa, Ally Khamis Mohamed, Khelef Nassor Khelef and Omar Ally Omar were reported to have been among those arrested. All of the detainees were said to have suffered further ill-treatment while in detention. In a reply dated 8 November 1996 the Government stated that these persons had resisted detention and therefore the police were forced to resort to the use of force. While they were exonerated of involvement in the explosion of the transformer of which they had been accused, they were being prosecuted for unlawful assembly. The police had acted with great restraint and professionalism.

540. The Special Rapporteur also transmitted information on the case of Othman Hamad Othman, a watchman for the Department of Forestry, who was reportedly tortured at the camp of the anti-smuggling squad (KMKM) on 4 March 1996, after being sent there by the Pemba North Regional Commissioner. The torture was said to include being beaten unconscious with canes; being forced to eat his own faeces and to wash his body with water and faeces; being cut on the knees with a razor blade; and having his head shaved with broken pieces of glass. The Special Rapporteur received copies of medical reports

from two hospitals at which he was treated describing numerous injuries. The Government replied that the Regional Commissioner had called Othman Hamad Othman in for questioning on 5 March 1996 and allowed him to return home. He had then gone to Wete police station to report that he had been beaten by members of the KMKM. The police officer on duty saw no signs of visible injury, but gave him a form required to be completed in cases of grievous injuries. He had not returned the complaint form, so the police had no grounds for conducting an investigation. He had also failed to complain to the Permanent Commission of Inquiry (the Ombudsman) or to institute legal proceedings before the High Court.

541. Mwinyi Juma Ali-Gando Pemba was reportedly arrested by members of the KMKM on 25 March 1996 while attending proceedings in the case of his brother at Wete district court. The officers, who reportedly told him they were looking for CUF Youth members, brought him to the KMKM camp and allegedly forced him to sing a song in praise of the President and beat him unconscious. He was also reportedly shaved with pieces of glass which left bleeding impressions on his scalp, on top of which hot water was poured. The Government replied that the police had to use force to evict him from physical training exercises in a restricted area, after he had refused their orders to desist. The force used in the circumstances was reasonable. The police had not used glass pieces to shave him.

542. Amour Suleiman, from Magogoni, reportedly went to the KMKM camp on 6 April 1996 to visit his elder brother. Three KMKM officers allegedly beat him and dropped him into a tank half filled with petrol. The Government replied that it was unable to verify from the police records or the KMKM these allegations.

Uzbekistan

543. By letter dated 12 June 1996 the Special Rapporteur advised the Government of information he had received indicating that Dmitrii Gavrilovich Fattakhov, Aleksey Smirnov and Oleg Gusev, who had been arrested in April 1995 on reportedly trumped-up charges of murder, had allegedly been subjected to torture over the course of several weeks to get them to confess to the crime, including severe beatings, kicks and deprivation of sleep and food. Dmitrii Fattakhov was said to have suffered a large haematoma on his face and to have been left severely mentally ill as a result of the torture. He was reported to be confined to a state psychiatric hospital.

Urgent appeal

544. On 29 December 1995 the Special Rapporteur, in conjunction with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers, made an urgent appeal on behalf of Un Dmitry, Lee Vladimir, Arutyunov Vitaly and Tsoi Valeriy, who had been convicted of murder. Un Dmitry had been sentenced to death, while the others had received 12-year prison sentences. The defendants had allegedly been severely beaten to force a confession and the criminal cases were said to be marred by numerous procedural irregularities,

including admittance of false documents with forged signatures, refusal to receive exculpatory evidence and denial of the right to counsel of one's own choosing.

Venezuela

545. By letter dated 30 October 1996, the Special Rapporteur transmitted to the Government the following cases of persons reported to have been tortured: José Félix Rivas, who was arrested on 18 June 1994 at his home in Antimano, Caracas, by the Metropolitan Police; Jesús Díaz, 16 years of age, who was arrested on 27 January 1995 by the National Guard in Antímano, Caracas; Ramón Flores, who was arrested in Puerto Ayacucho, State of Amazonas, on 20 February 1995 by the judicial police; Fabio Pérez, who was arrested on 10 February 1995 in the town of Atabapo, Amazonas, by the National Guard and then handed over to a group of Rural Commando guards; David Rodríguez, 15 years of age, who was arrested on 26 March 1995 by the Metropolitan Police in Nueva Tacagua, Caracas; José Tores, who was arrested on 26 March 1995 by the Metropolitan Police in Nueva Tacagua, Caracas; Luis Urbano, who was arrested on 26 March 1995 by the Metropolitan Police in Nueva Tacagua, Caracas; a group of 24 students from the Instituto Universitario Barlovento in Higuerote, State of Miranda, who were reportedly beaten by officials of the Miranda State police on 30 May 1995; Wilson Yusuina and Abel Conde, who were arrested on 12 August 1995 by personnel of the 52nd Infantry Brigade of Puerto Ayacucho; Aníbal Ernesto Medina Lares, who died on 29 September 1995 in Nirgua, State of Yaracuy, allegedly as a consequence of being beaten by officials of the National Guard; Andrés Eloy Blanco, who was arrested in Caracas on 5 October 1995 by the judicial police; Kleiner Alvarado Rodríguez, 15 years of age, who was arrested on 20 October 1995 by the Metropolitan Police in the parish of La Vega, Caracas; Daniel José Urbano Frisneda, who was arrested in Catia, Caracas on 6 November 1995 by the National Guard; Baudilio Contreras, who was tortured on 16 November 1995 in Santa Bárbara, State of Barinas; Andrés Eloy Blanco, who, together with his co-workers, Antonio David Sanjuanero, Eddy Marcel González and José Gregorio Guerrero, was arrested on 5 October 1995 in Colinas de Bello Monte, Caracas, by the judicial police; Luis Escobar Ugas, who was arrested on various occasions during 1995 and 1996 in Caracas, allegedly by two plain-clothes policemen; Américo Guzmán, who was arrested on 16 May 1996 in the parish of El Valle by individuals suspected of belonging to the police; Julio José Núñez Pineda, who was arrested on 12 May 1996 in the municipality of Pampán, State of Trujillo, by the State of Trujillo Special Brigade; José Anicasio Rojas, who was arrested on 21 January 1996 in Guasdualito, State of Apure, by the judicial police; Danny Ojeda Arrieta, who was arrested on 3 February 1996 in Maracaibo by the National Guard; Buenaventura López Soriano, who was arrested in Totumito, in the autonomous municipality of Páez, State of Apure, on 4 February 1996 by the State Police; Luis Javier Rivero Olivares, who was beaten and hung up by personnel of the Maiquetía judicial police on 8 February 1995; Jairo A. Carrasquel, who was arrested on 12 February 1996 by the judicial police in Guasdualito, State of Apure; Víctor Díaz Ojeda, who was arrested on 19 February 1996 in El Amparo, State of Apure, by the National Guard; Rosa Sánchez de García, who was reportedly raped on 18 February 1996 by an official of the National Guard in the Anaru district of the autonomous municipality of Páez, State of Apure; Josué Cuburuco and Gerardo Vargas, who were arrested by the National Guard on 20 February 1996 in El Amparo, State of

Apure; Asdrúbal Fernández, who was arrested on 22 March 1996 in Guasdualito, State of Apure, by the judicial police; Samuel García Eleuterio Duque and José del Carmen Vergel, who were arrested on 2 April 1996 by personnel of theatre of operations No. 1 in El Balsal, in the municipality of Urdaneta, State of Apure; Abrahán Celis, who was arrested on 3 April 1996 at his home in El Balsal by personnel belonging to theatre of operations No. 1; Arny Arturo Plasencia Flores, who was arrested on 6 May 1996 in Caracas by officials of the Directorate of Intelligence and Prevention Services (DISIP); Ramón Molia Castro, who was arrested in Caracas on 2 May 1996 by the investigatory police; and Clodomiro Emilio Rivas López, who was arrested on 16 May 1996 in the town of Turmero, State of Aragua, by the investigatory police.

Information provided by the Government concerning cases transmitted in previous years

546. In the course of the Special Rapporteur's visit to Venezuela in June 1996, the Attorney-General's Office (Fiscalía General de la República) provided him with the following replies concerning cases which he had transmitted on various dates.

547. Miguel Angel Delgado Méndez, who was arrested in Caracas on 15 April 1992 by the Metropolitan Police. The Government reported that Federal District Prosecutor No. 105 had filed formal charges on 11 August 1993 against nine Metropolitan Police officers for causing serious personal injury. The case is still under judicial investigation.

548. Máximo Puerta Ollarves, who was arrested on 1 May 1993 in Maracaibo. The Government reported that Public Prosecutor No. 7a of the State of Zulia had filed charges for personal injury against two members of the DISIP. The case is still under judicial investigation.

549. Osmán José Colina Hernández, Carlos José González, Juan José Villamizar, Guillermo Tamayo Rivas, Luis Gerónimo Velásquez, José Vargas Pérez and Ulises López Galantón, who were arrested by the National Guard on 17 October 1995 while taking part in a demonstration at the University of Carabobo. The Government reported that, on 17 November 1995, the Office of the Public Prosecutor had ordered a judicial investigation to be opened subject to a forensic medical examination. It added that the above-mentioned persons had not appeared before the court in order to complete necessary procedures.

550. Isabelino Bustamante and 19 other persons, who were arrested on 14 July 1995 by the judicial police of Guasdalito, Apure. The Government reported that forensic medical examinations of Mr. Bustamante on 19 and 21 July 1995 had not revealed any external injuries. Furthermore, Public Prosecutor No. 3 of the State of Apure had noted contradictions in Mr. Bustamante's statement. On approximately 20 July, the regional military court had opened an investigation which, as of June 1996, was still in the pre-trial phase.

551. Daniel Alvarado Alarcón, Julio Enrique Andrade, Enrique Barroso Hernández, Luis Alberto Caballero, Héctor Chacón Duque, José Gregorio Escalona Delgado, Lisandro Pérez Hernández, Orlando Ramírez Pérez, José Angel

Rodríguez, Julio Rojas Avila, Jhonatan Toro Marval, Carlos Alejandro Valeiro and Mark Zuchelli, students at the Central University of Venezuela, who were arrested on 23 January 1992 in Caracas. The Government informed the Special Rapporteur that on 29 August 1994, the Office of the Public Prosecutor had brought formal charges for the injuries for which officers of the Metropolitan Police were considered responsible and, on 28 May 1996, had requested an investigation for further clarification of the facts.

552. Pablo José Rondón Hernández and Brezne Manzano Rodríguez, who were arrested on 21 October 1991 in Caracas. The Government reported that on 30 May 1995, the Office of the Public Prosecutor had requested the opening of a pre-trial investigation against officials of the Metropolitan Police, who had not yet been identified.

553. Carlos Bernardino Carballo Morales, who was arrested on 18 October 1991 in La Vaga, Caracas. The Government reported that on 26 December 1995, the Office of the Public Prosecutor had requested the opening of a pre-trial investigation before the Criminal Court of First Instance No. 27 and, on 7 June 1996, had requested the court to reach a decision on the matter as quickly as possible.

554. Tulio Aguilar and 21 other citizens, who were arrested in Valencia on 4 February 1992. The Government reported that the Office of the Public Prosecutor of the State of Carabobo had requested an información de nudo hecho investigation for physical injuries allegedly caused by officers of the State Police and the National Guard. However, the officials involved had not been identified. On 4 May 1994, the Prosecutor's Office requested the court to expedite the procedure.

555. Yorfan José Berrios Montillo, who was arrested by officers of the National Guard on 18 October 1991 in La Vega, Caracas. The Government reported that on 13 December 1991 the Office of the Public Prosecutor had requested the appropriate información de nudo hecho procedure and was currently awaiting the results of some procedures before filing charges.

556. José Antonio Briceño, Omar Uribe, Julio César Vera and Arnel Rodríguez, who were arrested on 2 June 1992 by the Metropolitan Police in the vicinity of the Instituto Caballero Mejías in Caracas. The Government reported that, in the case of citizen Julio César Vera, the investigation had been closed due to prescription of the penal action, since the injuries had been described as slight. In the cases of José Antonio Briceño and Omar Uribe, the investigation was still under way and the file had been forwarded to the Criminal Investigations Police (PTJ) for investigation. In the case of Arnel Rodríguez, the Office of the Public Prosecutor had not received any complaint.

557. Pedro Miguel Franquis Aguilar, who was arrested on 25 February 1992 in La Laguna, Caracas, by the Metropolitan Police. One week later, he was reportedly found dead with signs of having been tortured. The Government reported that three officials of the Metropolitan Police had been dismissed from their posts and in 1994 sentenced to 7 years and 6 months imprisonment for homicide. On 27 June 1995, the Second Criminal Court of the State of Miranda suspended their sentences.

558. Ivo Rodríguez Escudero who was arrested on 26 November 1992 in Valencia by members of the DISIP. The Government reported that on 6 September 1994, the Office of the Public Prosecutor filed charges in the Second Criminal Court of First Instance of the State of Carabobo, which had subsequently handed down a decision declaring that the investigation was closed due to prescription of the penal action.

559. John Antonio Páez and Edgar Rafael Suárez Hermoso, who were arrested in Maracay on 22 January 1994 and 9 December 1992, respectively. The Government informed the Special Rapporteur that no complaint had been lodged with the Office of the Public Prosecutor in these cases.

560. José Fermín Macarri, a minor, who was arrested in July 1992 in Caracas by the Metropolitan Police. The Government reported that the person in question had not appeared at the Institute of Forensic Medicine for the medical examination that would have provided the Public Prosecutor with the necessary evidence for the processing of his case. It had therefore been impossible to request an información de nudo hecho procedure.

561. José Blondell, who was arrested by officers of the PTJ of El Llanito, Petare, in March 1992. The Government reported that, despite multiple requests, the person had not appeared before the Office of the Public Prosecutor to confirm the facts as reported. Consequently, it had been impossible to request an información de nudo hecho procedure.

562. Persons who were detained at the Barquisimeto police headquarters on 27 November 1992 on the occasion of a coup d'état (urgent appeal by the Special Rapporteur dated 10 December 1992). The Government reported that no complaint had been lodged with the Office of the Attorney-General of the Republic and that, consequently, no proceedings had been undertaken concerning the incommunicado detention, ill-treatment or other violations of these persons' human rights.

563. Jesús Antonio Castillo Gómez, who was arrested by the investigatory police during the events which occurred at the Central University of Venezuela on 23 January 1992. The Government reported that the person in question had informed the Office of the Prosecutor in May 1994 that he did not wish the investigation to continue and that, as a result, it had decided to close the case.

564. Romer Figueroa Lizardi, who died after being arrested in May 1992 in Ciudad Guayana, Bolívar, by the National Guard. The Government reported that on 13 April 1993, the Supreme Court had decided to declare the Permanent Military Court of Maturín competent to conduct the pre-trial investigation. On 15 July 1994, the President of the Republic dismissed the case.

Viet Nam

565. On 28 March 1996 the Special Rapporteur made an urgent appeal in conjunction with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of Ly Thara, Ly Chandara (editor of the Cambodian-based Vietnamese language magazine Viet Nam Tu Do) and Nguyen Phong Son, who had been deported from Cambodia to Viet Nam and were detained at Chi Hoa prison in

Ho Chi Minh City. Ly Thara had allegedly been beaten severely by interrogators to force a confession and was said to be facing the death penalty for crimes aimed at overthrowing the Government. Ly Chandara, who was reportedly being held in shackles, and Nguyen Phong Son were accused of writing articles critical of the Government. On 18 July 1996 the Government replied that they had been deported for having engaged in activities opposing Viet Nam on Cambodian soil. They were being treated humanely and receiving adequate medical attention and were in a normal condition of health.

566. On 2 April 1996 the Special Rapporteur, in conjunction with the Chairman of the Working Group on Arbitrary Detention, made an urgent appeal on behalf of Thich Hai Tang, a Buddhist monk, who was reportedly being held in an underground solitary confinement cell, where he had been placed several months earlier, and was being denied urgent medical treatment for stomach ulcers. On 19 July 1996 the Government replied that he had been brought to Hanoi for treatment of his stomach pain, not for solitary confinement underground. His health had stabilized, he was eating normally and he had gained weight. He had always been treated humanely while serving his sentence.

Yugoslavia

567. By letter dated 6 August 1996 the Special Rapporteur transmitted to the Government the cases of the following persons alleged to have been severely beaten by the police in Štimje, Kosovo, in the dates mentioned in brackets: Rexhep Tahiri (7 June 1994), Sami Dugolli (11 March 1996), Ali Sadriu (10 March 1996), Hana Tahiri, aged 89 or 90 (11 March 1996), Xhevdet Tahiri, aged 13 or 14; Idriz Bajrami, (19 March 1996); and Nebih Hoxha, (3 May 1996).

568. The Special Rapporteur also transmitted the case of Enver Grajçevi, an ethnic Albanian, who was reportedly arrested on 2 April in Priština. At the time of his arrest he was said to be carrying a bag containing some 200 copies of a magazine issued by the clandestine organization the National Movement for the Liberation of Kosovo (LKÇK). He was allegedly subjected to torture, including electric shocks.

Urgent appeals

569. The Special Rapporteur, in conjunction with the Chairman of the Working Group on Arbitrary Detention and the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, made urgent appeals on 22 March and 30 April 1996. With respect to the 22 March appeal, it had been alleged that in Štimle, Kosovo, in February and March 1996, a number of persons had been questioned by police about their political and educational activities and some had been ill-treated, including Ali Sadriu, of the political party Lidha Demokratike ë Kosovës (LDK), Sami Dugolli, Zenun Dugolli, Ragip Heseti, as well as a number of religious leaders and students, including Syleman Zuka and Shavit Rama. In a reply dated 17 April 1996 the Government stated that the aforementioned persons had not been detained, nor had any criminal proceeding been conducted against them. They had not lodged any criminal charges against the officers alleged to be responsible.

570. With respect to the appeal of 30 April 1996, information was received that more than 60 ethnic Albanians had been arbitrarily arrested in Štimlje, Dečane and Peć, following four separate incidents involving the deaths of five and the wounding of four ethnic Serbs on 22 April 1996. Some of the arrestees had allegedly been subjected to torture or other ill-treatment, including Nazmi Kabahsi, Shaqir Kreziu, Ramush Ahmeti and Ramush Sylaj.

571. On 8 October 1996 the Special Rapporteur, in conjunction with the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, made an urgent appeal on behalf of a number of ethnic Albanians from Kosovo allegedly ill-treated by police upon returning to Kosovo from Germany following unsuccessful attempts to receive asylum in Germany.

Zaire

572. On 14 October 1996, the Special Rapporteur transmitted to the Government information on the cases summarized below.

573. Odia Kabongo and Disashi Mwimpata were reportedly arrested on 9 and 10 December, respectively, in Lubumbashi by the Civil Guard. While in detention, they were allegedly beaten with a metal bar and suffered various fractures.

574. Kyamba Abedi was reportedly struck violently by a group of Civil Guard officers on 24 August 1995 at her home in Camp Mangengenge, Kinshasa. She was taken to Maluku Hospital, where she died of her wounds.

575. Jean-Paul Kashila was arrested on 21 September 1995 in Kinshasa by three soldiers, who reportedly accused him of being in possession of a membership card of the Union pour la démocratie et le progrès social (Union for Democracy and Social Progress). He was allegedly detained for 21 days on the premises of the Military Action and Information Service and tortured (in particular, his head is said to have been shaved with a piece of broken glass).

576. Luanda Kibabo, Bahati Dieudonné, Nsdasimwa Maliralerwa, Byamungu Baroki, Milira Kubuya, Muhindo Mawazo, Bonane Bandu, Kamulete Ngabo and Kahima Bakulu were reportedly arrested on 28 January 1996 in Mweso by soldiers, who violently tortured them. It is alleged that Kamulete Ngabo and Byamungu Baroki died and Luanda Kibabo required the amputation of one hand as a result of this treatment.

577. Sabini Victorina was reportedly arrested on 11 May 1996 in Kanyabayonga by members of the Goma Military Action and Information Service. While in detention, she was allegedly raped by several soldiers.

578. Mbaire Lubuto was reportedly arrested on 15 June 1996 in Kirotshe by Operation Kimia soldiers and held in Sake, where he was tortured and subjected to inhuman treatment. In particular, he was allegedly wounded with a bayonet and a hot iron bar.

579. The Special Rapporteur also transmitted to the Government urgent appeals on behalf of the following persons: Malira Kabuya, Byanungu Kahima, Ndasimwa Malire and Bonane, who were arrested on 29 January 1996 at Mweso, in

the Bachali Mokoto district of the town of Bashali in the Masisi zone of North Kivu (7 March 1996); Didi Mwati Bulambo, arrested on 25 July 1996 in the Mwenga zone of South Kivu (31 July 1996); Mr. Kabande and Mr. Rugazura, both local chiefs, and three clergymen, Mr. Muzizi, Mr. Bugunzu and Mr. Semutobo, who were arrested on 20 August 1996 in their village, Lemera, in the Uvira zone of South Kivu (9 September 1996); an unknown number of members of the Banyamulenge population of Uvira, South Kivu, after clashes with the Zairian army in early September (12 September 1996); and Kabuku Makule and Albert Muhingi, who were arrested on approximately 16 September 1996 between Kitshanga and Goma (8 October 1996).

Zambia

580. The Special Rapporteur made an urgent appeal on 20 March 1996 on behalf of Fred M'membe, editor in chief and Bright Mwape, managing editor of the newspaper The Post, who were detained in connection with articles critical of the Government published in the newspaper. On 2 April 1996 the Government replied that they had been detained after refusing to obey a summons to appear before the Privileges and Immunities Committee of the National Assembly to answer allegations of debasing the National Assembly. There was no information to suggest that they had been subjected to torture or ill-treatment and they had not complained of such upon their release.

Other communications: information transmitted to the Palestinian Authority

581. The Special Rapporteur sent to the Palestinian Authority the urgent appeals described in the paragraphs below.

582. At least 700 suspected supporters of Hamas or Islamic Jihad were reportedly detained following several suicide bombings which had occurred in Israel. Many of these persons were being held incommunicado and some had allegedly been subjected to beatings during interrogation in Gaza, Jericho and Nablus prisons (27 March 1996).

583. Adib Muhammad Ziadeh was reportedly arrested by members of the security forces (mukhabarat) on 8 March 1996 and taken to the intelligence section of Jericho prison for interrogation. He had allegedly been beaten severely and subjected to prolonged sleep deprivation and had been twice admitted to hospital during his detention. He was continuing to be held for interrogation (9 April 1996).

584. Iyad al-Sarraj, Director of the Gaza Community Mental Health Programme, was reportedly arrested on 10 June 1996 and allegedly beaten by police in custody. He was subsequently charged with drugs possession, pursuant to which a magistrates court reportedly ordered him released on bail. However, the State Security Court ordered that he remain detained in connection with a new allegation of assault on a police officer. According to the information received, he was continuing to be subjected to ill-treatment in detention (17 June 1996).

585. 'Ayman Sliman Muhammad al-Sabbah, Jamal al-Nabulsi and Naser Juma' were among a group of people arrested following their participation in a

demonstration on 2 August 1996 in Tulkarem. They had reportedly been subjected to severe beatings by members of the naval police in Jneid prison, Nablus. 'Ayman al-Sabbah was allegedly beaten for seven hours on the soles of his feet. It was also reported that on 31 July 1996 another detainee in Jneid prison, Mahmud Jumayel, had died after being suspended from the ceiling, beaten and burned with electric implements and cigarettes. On 18 August 1996 the Palestinian Authority informed the Special Rapporteur that it would investigate the above-described situation and take all proper measures through the appropriate channels (16 August 1996).

586. Muhammad Yussef Matir, Yasser Muhammad Hantashal, Muhammad Hussain Abu Hawash, Isma'il al-Haj Musa al-Hantashal, Mustapha Ibrahim Abu Hawash, and Muhammad Juri Abu Hawash were reportedly arrested by the Palestinian Authority between 6 and 8 August 1996 in Dura, near Hebron. They were said to be held incommunicado in the custody of the Palestinian Preventive Security at an unknown location (23 August 1996).